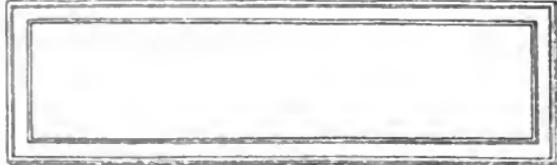
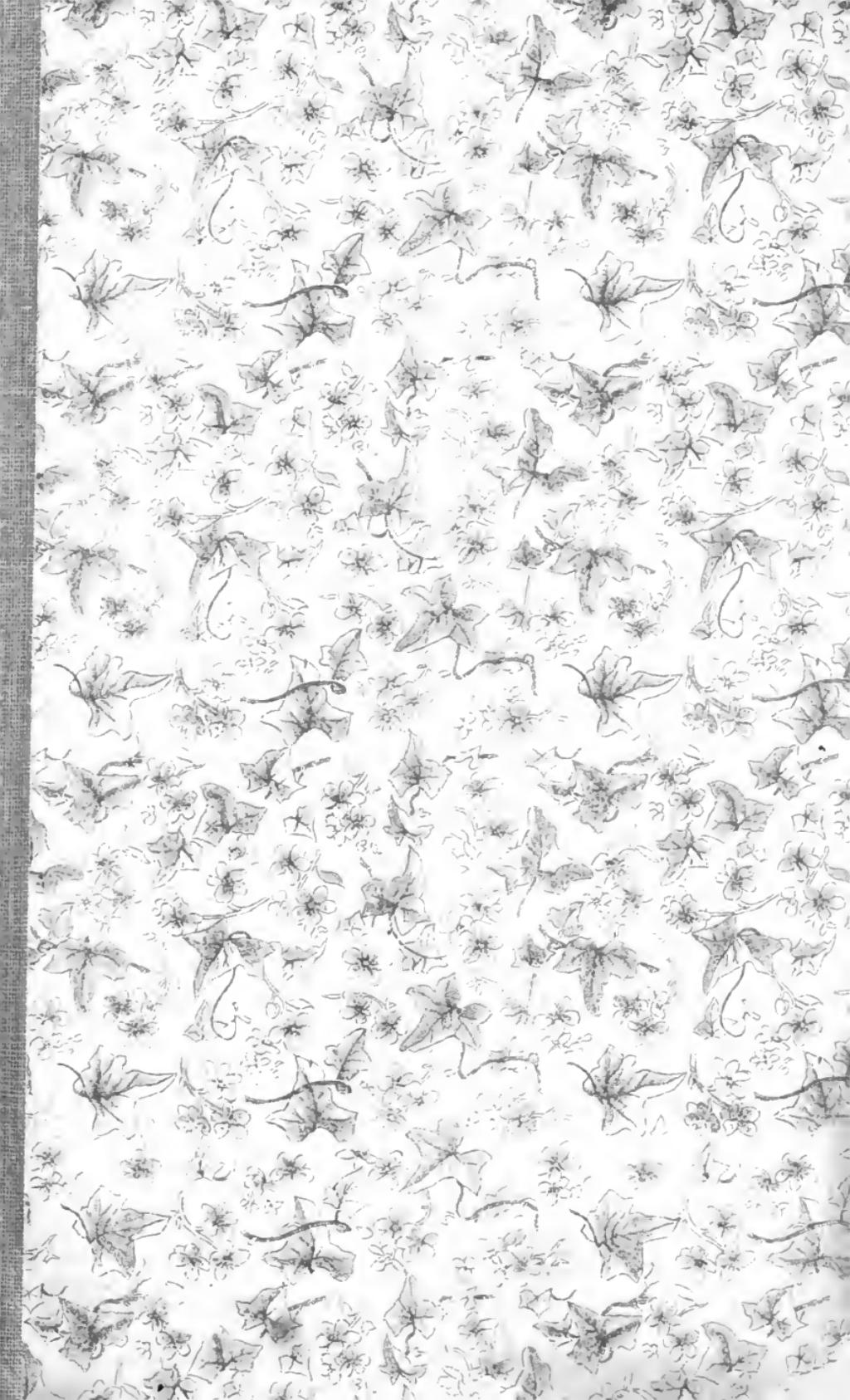


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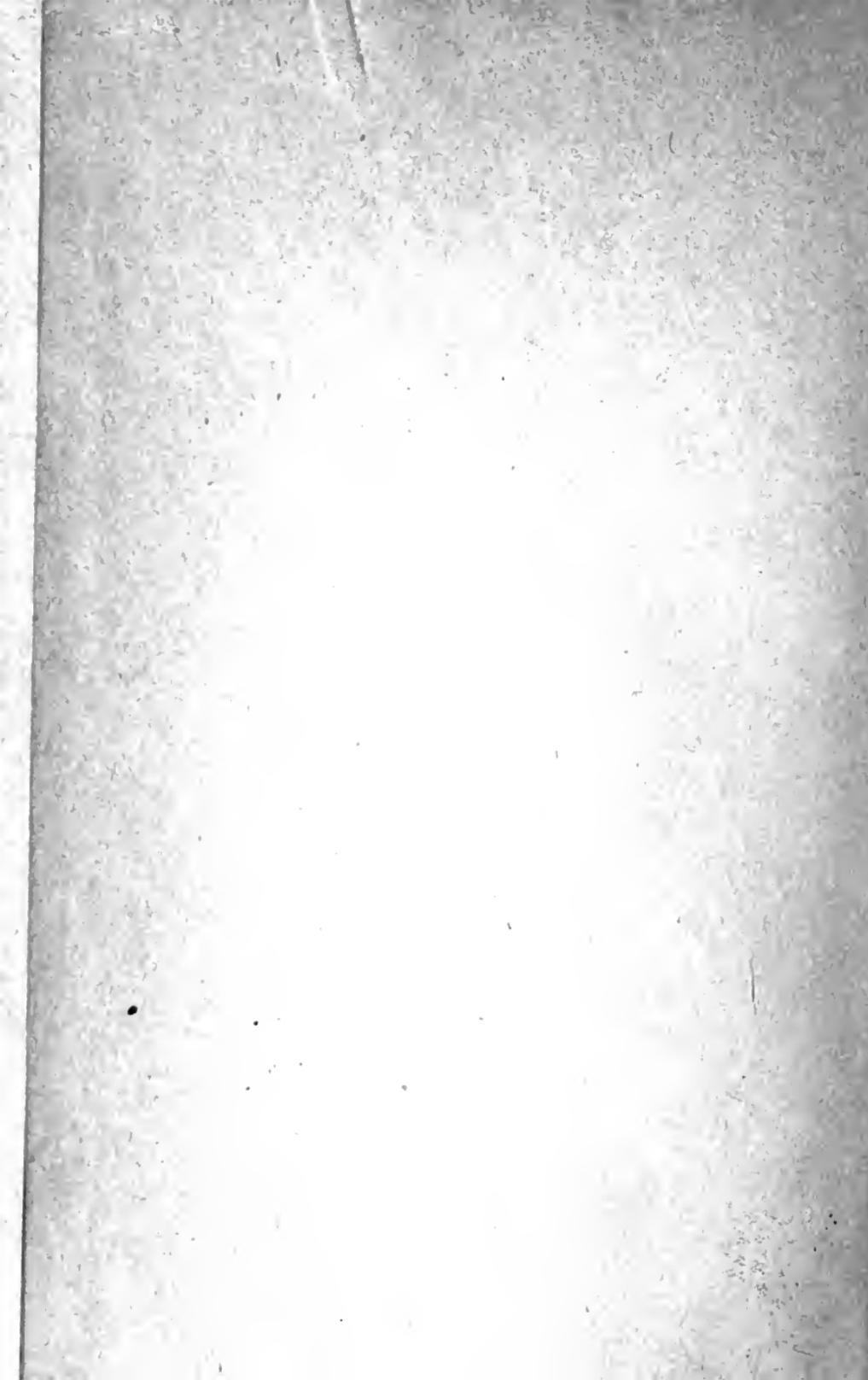


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Mr Frank H. Funk
as a memento of his
Sincere friend, Isaac
Newton Phelps
from

Isaac Newton Phelps
Bloomington, Ill.
Oct 14 - 1914



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City

THE
REVISED
ORDINANCES
OF THE
CITY OF BLOOMINGTON,

A. D. 1876,

COMPRISING THE GENERAL ORDINANCES, ACTS OF INCORPORATION,
AND OTHER LAWS AFFECTING THE CITY, TOGETHER WITH
AN APPENDIX, SHOWING THE COMPOSITION
OF THE CITY GOVERNMENT FROM
1850 TO 1876.

REVISED, COMPILED AND ARRANGED BY

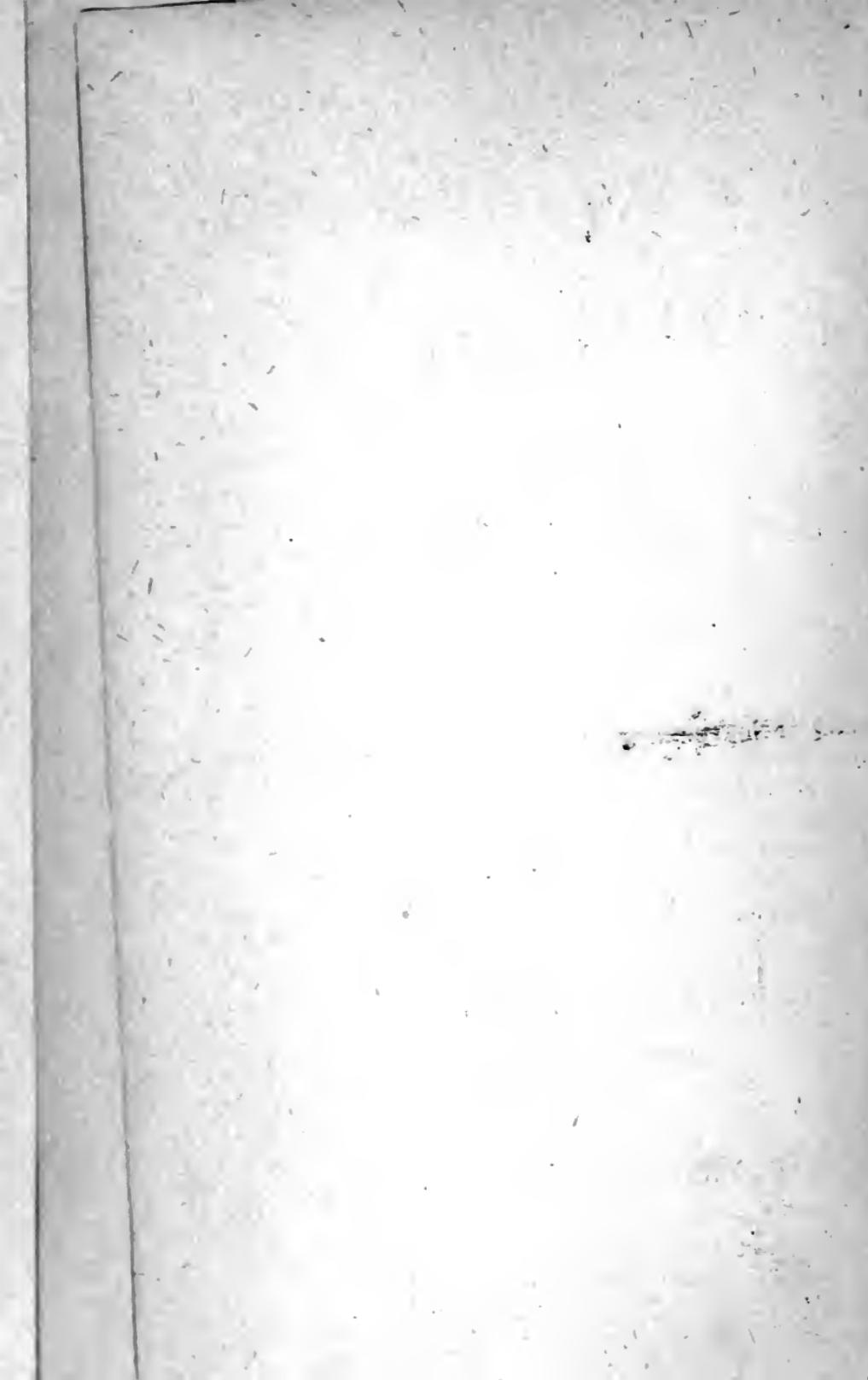
ISAAC N. PHILLIPS,

ATTORNEY AT LAW.

PUBLISHED BY AUTHORITY OF THE CITY COUNCIL.

BLOOMINGTON :
LEADER STEAM PRINTING AND PUBLISHING HOUSE.

1876.



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PREFACE.

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The City Council, during the time occupied in considering these ordinances, was composed of the following gentlemen: *Mayor*, Hon. B. F. Funk; *Aldermen*, David D. Haggard, H. S. McCurdy, John W. Trotter, M. Hausen, John S. Scibird, A. F. Risser, Peter Rockwell, B. L. Lucas, John Weichlein, John H. Regan, Robert Thompson and Col. John Reed. Since the names of these gentlemen do not appear upon the title page of this book, it is an act of simple justice to mention them here. The unlimited zeal which they have all manifested in the production of the work could only have been prompted by a sincere desire for the public good; since no adequate motive can be found in the paltry sum allowed them as pay. I cheerfully acknowledge their right to share whatever credit the book may bespeak for its makers.

In the advice and aid of Gen. Ira J. Bloomfield, I have had the benefit of his long experience as counsel for the city and his consequent thorough knowledge of municipal law; for which I beg he will accept my due and grateful acknowledgment.

The Chapter on Fire Department was prepared under suggestions from Mr. M. X. Chuse, whose practical experience as Chief Engineer of the Department renders his opinion of the highest value.

The Chapter on Grades could only have been made thorough and accurate (as it is believed to be) by the assistance of Mr. Ira Merchant, City Engineer, who cheerfully aided me, and who must also take his pay in thanks.

In searching the record books of the city, I have been materially aided by Wm. B. Lawrence, late City Clerk, whom

I always found as thoroughly informed in matters relating to the city government as he was eminently obliging and gentlemanly as an officer.

I am also indebted to Mr. Wm. G. Boyce, late City Marshal, and other city officials whose names I have not space to mention, for practical hints touching the needs of the city. To all these gentlemen I extend my hearty thanks.

Having thus paid my debts, which was the object of this preface, I have but a word to add in behalf of the work itself. No one is more sensible of its errors and imperfections than I am; and the reader need not imagine that he is the original discoverer of any of them. The very chaotic condition in which the city ordinances have long been, will probably render a work as imperfect and unpretentious as this quite welcome to the profession and the public. One thing I know: I have expended an amount of labor on this book which no one who has not performed a similar task can well realize. If the result is not perfect it is not because I have not desired and labored to make it so.

I. N. P.

Bloomington, Ill., June, 1876.

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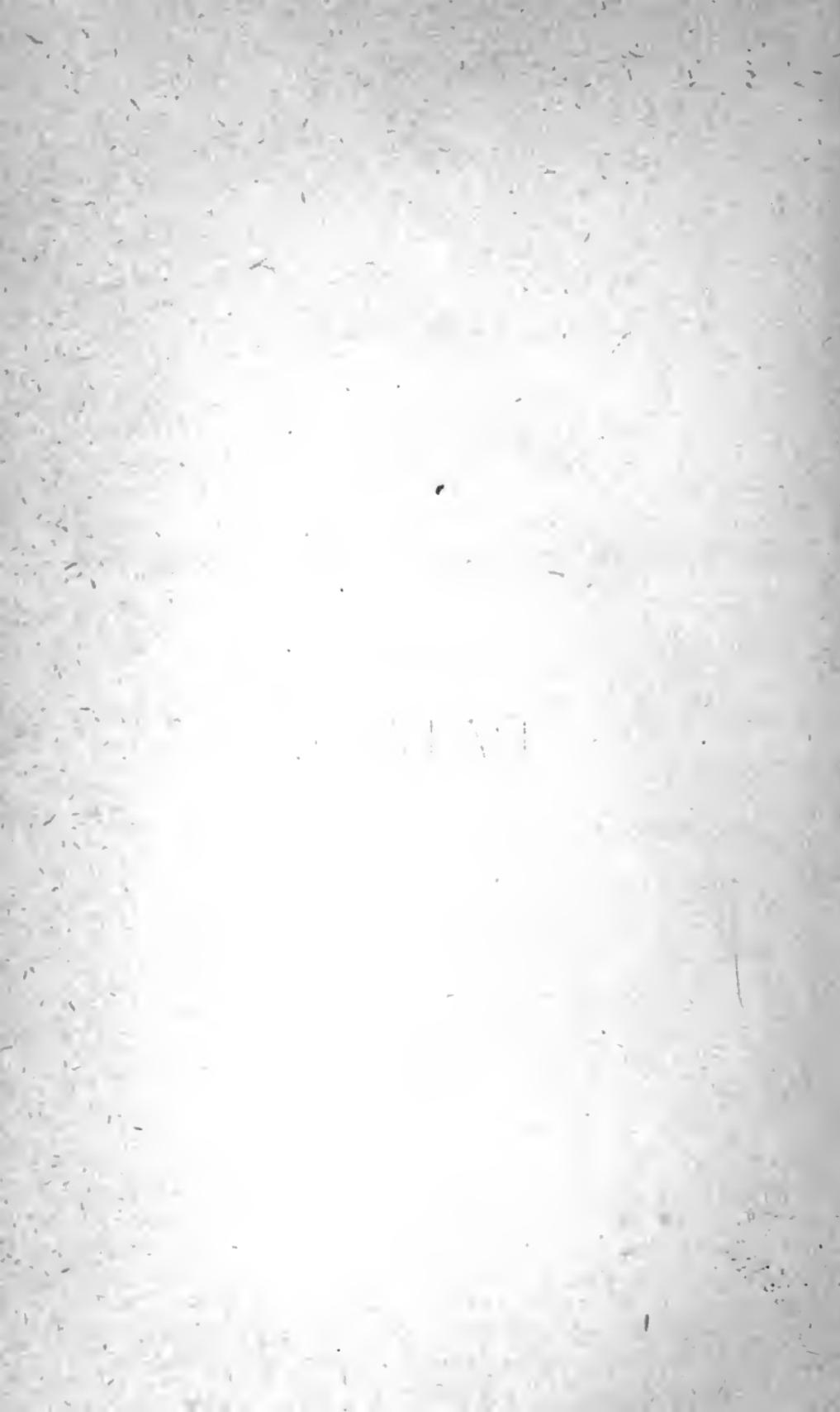
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PART I.



ORDINANCES.

AN ORDINANCE

IN

REVISION OF THE GENERAL ORDINANCES

OF THE

CITY OF BLOOMINGTON.

Be it ordained by the City Council of the City of Bloomington:

CHAPTER I.

ANIMALS, POUNDS, AND POUND-KEEPERS.

SECTION 1. Animals running at large—penalty.

- “ 2. Pound-keeper to be appointed—bond.
- “ 3. Pounds—Pound-keeper to take up animals—feed for same.
- “ 4. Duty of policemen—persons injured may take up animals.
- “ 5. Redemption of, and proceedings against, impounded animals.
- “ 6. Proceedings where owner is unknown.
- “ 7. Docket entry.
- “ 8. Justices' order—form.
- “ 9. Pound-keeper's notice—form.
- “ 10. Pound-keeper's deputies—additional pound-keepers.
- “ 11. Pound-keeper's book—proceeds of sale.
- “ 12. Surplus proceeds paid to owner.
- “ 13. Breaking pound, etc.—hindering the impounding of animals—penalty.
- “ 14. Wrongful taking of animals—penalty.
- “ 15. Herding or tying out of animals.

SECTION 1. ANIMALS RUNNING AT LARGE—PENALTY.] No animal of the species of cattle, horse, mule, swine, sheep, goat or goose, shall be permitted to run at large within the limits of the city of Bloomington; and the running at large of any such animal is hereby declared to be a nuisance; and any person being the owner or possessor of any such animal, who shall permit the same to run at large in violation of this section, shall forfeit and pay a penalty of two dollars for each

animal so permitted to run at large, together with the fees for impounding, and all expense of sustenance for such animal when impounded, as hereinafter provided.

§ 2. POUND-KEEPER TO BE APPOINTED—BOND.] There shall be appointed in and for said city, as provided by law, one Pound-keeper, who shall, before entering upon the duties of his office, execute and file with the City Clerk, a bond to the city of Bloomington, in the penal sum of one thousand dollars, with one or more securities, residents of said city, to be approved by the City Clerk, conditioned for the faithful performance of the duties of pound-keeper, and the strict observance of all ordinances of the city of Bloomington touching the impounding of animals.

§ 3. POUNDS—POUND-KEEPER TO TAKE UP ANIMALS—FEED FOR SAME.] The Pound-keeper shall provide within the city such pound or pounds, suitably constructed, as may be found necessary for the impounding of animals; and it shall be his duty to take up and impound all animals found running at large in violation of any ordinance of said city; and also to receive and impound any such animals when taken up by any other authorized person. During the stay of any animal in the pound, he shall feed and water the same; the costs of which, as also the impounding fees, the claimant of such animal shall pay to the Pound-keeper before such animal shall be released.

§ 4. DUTY OF POLICEMEN—PERSONS INJURED MAY TAKE UP ANIMALS.] Every policeman of said city shall forthwith take up and drive to the pound any animal known by him to be unlawfully at large within the city. Any person who is injured, or is in danger of being injured, in his property, by reason of the unlawful running at large of any animal, may either drive the same to the pound, or he may take up and confine the same in some safe and convenient place, and notify the Pound-keeper or a policeman thereof, as soon as practicable, and the officer so notified shall forthwith take charge of such animal and impound the same.

§ 5. REDEMPTION OF, AND PROCEEDING AGAINST, IMPOUNDED ANIMALS.] The owner or person entitled to the possession of any impounded animal, may redeem the same by paying to the Pound-keeper the impounding fees, and the charges and costs of feeding, and sustenance up to the time of redemption; but if no person appears to redeem any impounded animal within forty-eight hours after the impounding of the same, it shall be the duty of the pound-keeper (unless the same shall be done by some other person) to make complaint before a

police magistrate against the owner or possessor of such animal, for permitting the same to run at large, and like proceedings shall thereupon be had as in other cases for the recovery of fines and penalties; and if the defendant is found guilty in addition to the penalty prescribed in section one hereof, judgment shall be rendered for impounding fees and costs of sustenance: and if at the time of rendering judgment such animal is still unredeemed, an order shall be entered that such animal shall be sold to satisfy said judgment, unless the same is forthwith paid. Such order shall describe the animal and state the time and place of impounding.

§ 6. PROCEEDINGS WHERE OWNER IS UNKNOWN.] If the owner of any animal impounded is unknown, complaint shall be made as provided in the last section against the unknown owner of such animal, describing the same; and thereupon the magistrate before whom such complaint is made, shall issue a notice in substance as follows:

POUND NOTICE.

Whereas, complaint has this day been made before me that the unknown owner of the following described animal, to-wit: (here describe animal particularly,) impounded at, (here state the place of impounding,) on the _____ day of _____ A. D. 18—, has permitted the same to run at large contrary to the ordinances of the city of Bloomington.

Now, therefore, notice is hereby given to the owner of such animal, and all persons interested in the same, that a trial will be had upon the said complaint at my office, in the city of Bloomington, on the _____ day of _____, A. D. 18—, at the hour of — — M., when and where such owner or other person interested may appear and defend, if he see fit so to do.

Witness my hand and seal this _____ day of _____, A. D. 18—.

_____, P. M. [L. S.]

The day named in said notice for trial shall not be less than five nor more than ten days from the time of issuing the same, and it shall be the duty of the Pound-keeper, City Marshal, or some policeman, forthwith to post three copies of said notice, one at the pound where the animal is impounded, one at the office of the police magistrate issuing the same, and one at the door of the court house in said city, and a fourth copy he shall cause to be inserted at least once in the corporation newspaper. The officer executing said notice shall make a

return thereof, showing the time and manner of said posting and publishing.

§ 7. DOCKET ENTRY.] The magistrate issuing said notice shall enter the cause upon his docket as follows: The City of Bloomington *vs.* The unknown owner of (here specify and describe animal). And upon the return of the notice executed as prescribed in the last section, like proceedings shall be had as in the case of personal service or appearance.

§ 8. JUSTICE'S ORDER—FORM.] Upon the rendition of any judgment as prescribed in sections six and seven of this chapter, the police magistrate rendering the same shall issue to the Pound-keeper having charge of such animal an order of sale which shall be substantially in the following form, *to-wit*:

The People of the State of Illinois to — —, Pound-keeper:

We command you that of the following described goods and chattels, *to-wit*: (here describe animal) the property of (here insert name of owner, if known; and if not, then say "some person unknown,") you make the sum of —— dollars and —— cents debt, and —— dollars and —— cents costs, which the City of Bloomington lately recovered before me against the said (here insert owner's name, if known, and if not, say "unknown owner,") and hereof make due return in what manner you execute the same.

Given under my hand and seal this —— day of ——
A. D. 18—.

— — — — —, P. M. [L. s.]

Which order shall be returned by such Pound-keeper within thirty days from its date to the office issuing the same with an endorsement showing when and how the same was executed.

§ 9. POUND-KEEPER'S NOTICE—FORM,] Upon receipt of such order the Pound-keeper shall immediately post three notices in like places as provided in section six of this ordinance, and a fourth he shall cause to be published once in the corporation newspaper, which notices may be in substance, as follows:

POUND NOTICE.

Taken up and impounded in the city pound of the city of Bloomington, at (here state the place of Pound,) the following described animal, (here describe animal,) which, unless redeemed, will be sold at public auction for cash to the highest bidder, at said pound, at the hour of —— o'clock — M., on the —— day of ——, A. D. 18—.

— — — — —, Pound-keeper.

The day of sale mentioned in said notices shall not be less than three nor more than five days after posting and publishing the same, exclusive of Sundays, holidays and election days; and if said animal is not redeemed the Pound-keeper shall sell the same in accordance with said notice.

§ 10. POUND-KEEPER'S DEPUTIES—ADDITIONAL POUND-KEEPERS.] The Pound-keeper may appoint such deputies as he may from time to time deem necessary to assist in carrying this ordinance into effect, for whose acts said Pound-keeper and his securities shall be responsible; and it shall be lawful for the Mayor and City Council, at any time when they may think the interests of the city require it, to appoint additional Pound-keepers, who, when so appointed, shall be subject to all the provisions of this chapter.

§ 11. POUND-KEEPER'S BOOK—PROCEEDS OF SALE.] The Pound-keeper shall keep a book which shall be open to the inspection of any and all persons, in which he shall record a description of all animals impounded, with date of the impounding of each, and the owner's name, if known, and also a statement of what disposition is made of such animal, when and by whom redeemed, or, in case of sale, the date of sale and the name of the purchaser, and the amount received therefor; and said Pound-keeper shall within twenty days after every sale of animals, as herein provided, pay into the city treasury all moneys received by him in excess of the costs, fees and expenses allowed by this chapter.

§ 12. SURPLUS PROCEEDS PAID TO OWNER.] If any surplus proceeds of any sale shall have been paid into the city treasury, as provided in the last preceding section, the owner of the animal or animals so sold shall be entitled to receive such surplus, less all costs and charges which may have accrued to the officers of said city, including costs of notices, upon presenting to the City Council, or the proper committee thereof, satisfactory proof of his ownership, together with a certificate of the Pound-keeper, of the amount of such surplus.

§ 13. BREAKING POUND, ETC.—HINDERING THE IMPOUNDING OF ANIMALS.—PENALTY.] Whoever shall break open any city pound; or shall take or attempt to take therefrom any impounded animal without the Pound-keeper's consent; or whoever shall hinder, delay, or obstruct the taking of any animal found unlawfully at large, to the pound, or shall attempt to prevent the impounding thereof in any manner, shall be fined not less than ten dollars nor more than one hundred dollars.

§ 14. WRONGFUL TAKING OF ANIMALS—PENALTY.] Any person who shall take or drive any animal from any inclosed lot or tract of ground, or from any stable or other building, or from outside of the limits of said city, to any pound in said city, or with intent that such animal may be impounded, shall forfeit and pay a penalty of not less than five dollars nor more than twenty dollars for every animal so driven or taken.

§ 15. HERDING OR TYING OUT OF ANIMALS.] The herding of any animal of the species mentioned in section one of this chapter, or the tying out of the same to graze upon any street or alley of said city, shall be deemed a running at large within the meaning of this chapter.

CHAPTER II.

CEMETERIES.

SECTION 1. LANDS EMBRACED IN CITY CEMETERY.

- “ 2. Lands to be laid off into lots and sold.
- “ 3. Commons to be set apart—penalty for burying in lot of another.
- “ 4. Manner of selling and conveying lots.
- “ 5. Form of deed.
- “ 6. Treasurer to keep records and accounts.
- “ 7. City Sexton—appointment, powers and duties.
- “ 8. Sexton to remove bodies interred without authority.
- “ 9. Sexton to keep record and make yearly report.
- “ 10. Shooting, trespassing, etc.—penalty.
- “ 11. Going or remaining upon grounds in night without permission of Sexton, etc.

SECTION 1. LANDS EMBRACED IN CITY CEMETERY.] The tracts or lots of land purchased by the city of Bloomington of Joseph Ramsey and wife, Benjamin Depew and wife, and Adaline Kimler, and particularly described in the deeds from them to said city, recorded in the recorder's office of McLean county, in deed book P, on pages 308 and 504, together with the grounds used as a cemetery previous to said purchases, be set apart and dedicated to cemetery purposes and uses, to be kept and controlled by the corporate authorities of said city.

§ 2. LANDS TO BE LAID OFF INTO LOTS AND SOLD.] Said tracts of lands, and any other that may hereafter be purchased for cemetery purposes, or as an addition to said grounds, may, as the Council may determine, be laid off into lots of appropriate size, and surveys and plats of said lots shall be made, under the direction of the City Council, which surveys and plats shall designate the lots by numbers, and be filed and recorded in

the recorder's office of McLean County; which lots shall be sold at such prices as the City Council may from time to time direct: *Provided*, That no part of said lands shall be sold or used for any other than burial purposes and the same shall be taken subject to such regulations as the City Council may from time to time establish touching the management of said cemetery.

§ 3. COMMONS TO BE SET APART—PENALTY FOR BURYING IN LOT OF ANOTHER.] A portion of said grounds shall, under the direction of the City Council, be laid off and designated as "commons," for the burial of strangers and the friends of persons unable to purchase lots; and whoever shall dig or cause to be dug any grave in said City Cemetery, or any other cemetery within said city upon any lot not the property of such person, unless the same be upon the strangers' grounds or "commons," or be done by the written consent of the owner of such lot, shall, on conviction, be fined not less than five dollars nor more than fifty dollars.

§ 4. MANNER OF SELLING AND CONVEYING LOTS.] Any person desiring to purchase any lot shall pay the price thereof to the City Treasurer, who shall thereupon give such purchaser a receipt for the amount paid, in which receipt shall be stated the number of the lot proposed to be purchased, and on presentation of such receipt to the City Clerk, it shall be the duty of said Clerk to prepare a deed of such lot, which shall be signed by the Mayor of said city and countersigned by said Clerk, and shall be executed under the seal of the city of Bloomington.

§ 5. FORM OF DEED.] All deeds to cemetery lots may be in the following form:

"The City of Bloomington, in consideration of _____ dollars, to the said city paid by _____, doth hereby, in conformity with the ordinances of the City Council of said city, in such case made and provided, give, grant, bargain, sell and convey to him, the said _____, lot numbered _____ in the plat of the cemetery, as laid out and recorded in the office of the City Clerk, and in the office of the Recorder of the county of McLean. To have and to hold the same, with its appurte- nances, unto the said _____, his heirs and assigns forever, for the purpose of burying therein his or their dead, and for no other use, intent or purpose whatever; subject, nevertheless, to such general rules and regulations as the City Council of said city may from time to time hereafter establish.

And the said City of Bloomington hereby covenants with the said _____, his heirs and assigns, that the premises des-

ignated as the cemetery aforesaid, shall forever be kept and preserved as a place for the burial of the dead of said city.

In witness whereof, the Mayor of said city has hereunto set his signature, and caused the seal of the City of Bloomington to be affixed, this — day of —, A. D. 18—.

[L. S.] — — — — —, MAYOR.

Countersigned:

— — — — —, CITY CLERK.

§ 6. TREASURER TO KEEP RECORDS AND ACCOUNTS.] The City Treasurer shall keep a record, in which shall be recorded the number of every lot heretofore or hereafter surveyed in the cemetery, beginning with number one, with column ruled therein for the name of the purchaser, the appraisal, price sold for, and date of sale. Columns shall also be ruled therein for any re-appraisal which may be hereafter made. On the sale of any lot he shall cause a proper entry to be made, and for the neglect of this duty in any case shall be subject to a penalty of ten dollars. He shall likewise open a cemetery account, in which shall be entered all monies received and expended on account of the cemetery, the name of each purchaser, date of purchase and the number and price of lot; and all orders drawn on the treasury for cemetery purposes shall be designated on the face to be payable out of the cemetery fund.

§ 7. CITY SEXTON—APPOINTMENT—POWERS AND DUTIES.] There shall be annually appointed a City Sexton who shall be *ex officio* a special policeman, and shall qualify as such. Said sexton shall have charge of the City Cemetery, and shall keep the grounds, walks and avenues in order and free from obstructions. He shall enforce all ordinances and regulations of the City Council respecting said cemetery, and report violations to the proper officers for prosecution, and may arrest any person found hunting, discharging firearms, or doing any unlawful act within said cemetery. He shall prevent the burial of any body in any unsold lot, or in the lot of any private individual, without his consent; and he shall superintend all burials in the commons and specify their manner and place, and by night he shall keep the gates of said cemetery closed and locked. He shall likewise take care of and keep in good order that part of said cemetery set apart and known as the soldiers' burying ground.

§ 8. SEXTON TO REMOVE BODIES INTERRED WITHOUT AUTHORITY.] It shall be the duty of said Sexton, under the direction of the Mayor of the city, to cause all bodies buried in any lot without proper authority to be removed to the "com-

mons," and the person or persons making or causing such unlawful interment shall be liable to the city for all costs and expenses of such removal, the same to be recovered in an action of debt in the name of the city before any competent tribunal.

§ 9. SEXTON TO KEEP RECORD AND MAKE YEARLY REPORT.] It shall be the duty of the City Sexton, and also of any other sexton or person in charge of any burying ground within said city to severally keep books of record, to be furnished by the city, in which shall be recorded the name, age, sex, nationality and date of death of every person interred in the Cemetery, or grounds for which such record is kept, and also the number of the lot where such person is buried, and at the end of each year to make a report to the City Council in writing embracing all the above particulars and covering the year for which such report is made.

§ 10. SHOOTING, TRESPASSING, ETC.—PENALTY.] Whoever, within the City Cemetery, or any other cemetery or burying ground within said city, shall discharge any firearm, or be found hunting or trespassing upon the same, or shall trespass upon any grave within said city, or shall refuse to obey any lawful order of the City Sexton, or of any person having charge of any cemetery or burying ground, shall be fined not less than ten dollars nor more than one hundred dollars.

§ 11. GOING OR REMAINING UPON GROUNDS IN THE NIGHT WITHOUT PERMISSION OF SEXTON, ETC.] Whoever shall go or remain upon the grounds of the City Cemetery or any burying ground within said city before sunrise in the morning or after sunset in the evening without permission of the city sexton or other person in charge of such cemetery or burying ground, shall, on conviction, be fined not less than three dollars nor more than fifty dollars.

CHAPTER III.

CITY COUNCIL.

SECTION 1. MEETINGS OF COUNCIL—REGULAR AND SPECIAL.

- “ 2. Acting Mayor to be appointed as other officers—*Mayor pro. tem.*
- “ 3. Bond of Mayor and Acting Mayor.
- “ 4. Standing Committees of Council.
- “ 5. Duties of Standing Committees.
- “ 6. Rules of the City Council.

SECTION 1. MEETINGS OF COUNCIL—REGULAR AND SPECIAL.] A regular meeting of the City Council of the city of Bloom-

ington, shall be held on Friday evening of each week during the year. Special meetings may be called by the Mayor or by a quorum of the Council whenever in his or their discretion it may be deemed necessary, in which event it shall be the duty of the City Marshal to cause all members of said Council within the city to be duly notified of such special meeting; and the attendance of members upon such special meetings may be compelled by the Mayor.

§ 2. ACTING MAYOR TO BE APPOINTED AS OTHER OFFICERS—
MAYOR *pro tem.*] An “Acting Mayor” shall be annually appointed from among the aldermen of the city, in the same manner as other city officers are appointed, who, when the Mayor is absent or from any cause unable to perform the duties of his office, shall be vested with all the powers and perform all the duties of Mayor for the time being; and in case of the absence of both the Mayor and Acting Mayor, from any meeting of the City Council, the aldermen present shall elect one of their number as Acting Mayor *pro tem.*

§ 3. BOND OF MAYOR AND ACTING MAYOR.] The Mayor and Acting Mayor shall each give bond to the city with security, before entering upon the duties of their respective offices—the Mayor in the sum of ten thousand dollars, and the Acting Mayor in the sum of five thousand dollars—each to be approved by the City Council, conditioned for the faithful performance of the duties of their respective offices.

§ 4. STANDING COMMITTEES OF COUNCIL.] It shall be the duty of the Mayor at the beginning of his official term to appoint twelve standing committees of the City Council, each to consist of not less than three aldermen, which shall be as follows:

First—Committee on Finance.

Second—Committee on Police and Gas.

Third—Committee on General Improvements.

Fourth—Committee on Claims.

Fifth—Committee on Fire Department.

Sixth—Committee on Sidewalks and Bridges.

Seventh—Committee on Streets and Alleys.

Eighth—Committee on Licenses.

Ninth—Committee on Railroads.

Tenth—Committee on Printing.

Eleventh—Judiciary Committee.

Twelfth—Board of Health.

§ 5. DUTIES OF STANDING COMMITTEES.] It shall be the duty of the standing committees of the Council to keep a close watch of the affairs of their respective departments of the

city government, and to make report to the Council of whatever facts may be deemed of importance. Each committee shall promptly and thoroughly investigate and report in writing upon all matters referred to it by the Council, and do and perform such other and further duties as the Council may from time to time, by ordinance or resolution, prescribe.

§ 6. RULES OF THE CITY COUNCIL.] The following rules for the government of the deliberations of the City Council, are hereby adopted, to-wit:

Rule First. The regular meetings of the City Council of said city, from and after March 20th and up to September 20th in each year, shall convene at the hour of half-past seven o'clock P. M., and during the rest of the year at the hour of seven o'clock P. M., and no session of said Council shall continue longer than three hours unless by suspension of the rules.

Rule Second. The order of business at all regular sessions of the Council, shall be as follows:

1. Reading minutes of previous meeting and special meetings.
2. Reports of standing committees.
3. Reports of special committees.
4. Special reports.
5. Unfinished business.
6. Petitions.
7. Resolutions.
8. Miscellaneous business.

Rule Third. All ordinances and alterations of grades and plats of surveys after being presented and read, shall lie over one week before final action shall be taken thereon.

Rule Fourth. No member shall speak more than twice on any question, nor more than ten minutes at one time, except by permission of the Council.

Rule Fifth. All votes of the Council upon the passage of ordinances, and upon the confirmation of officers appointed by the Mayor, shall be taken by ayes and noes, and be entered by the Clerk upon the records of the city.

Rule Sixth. All petitions and other communications to the Council shall be in writing; and all reports of committees of the Council shall be made upon uniform blanks, to be procured by the City Clerk at the expense of the city, and furnished to members of the Council. All such reports shall be filed away and preserved by the Clerk.

Rule Seventh. On all points not herein specially provided for, Cushing's Manual of parliamentary usage, is hereby

adopted, and made the law governing all deliberations of said council.

Rule Eighth. The Mayor, or presiding officer of the Council shall, at all times, enforce the strictest parliamentary discipline.

Rule Ninth. These rules, or either of them, may be suspended by the unanimous consent of all the aldermen present, and not otherwise.

CHAPTER IV.

DOGS.

SECTION 1. Dogs to be registered—Tax.

- “ 2. Marshal to furnish check to be worn on collar, etc.
- “ 3. Dog to wear collar with name of owner.
- “ 4. Proclamation of Mayor, etc.
- “ 5. Violations—penalty—nuisance.

SECTION 1. DOGS TO BE REGISTERED—TAX.] Every person owning, keeping, or harboring any dog within the city of Bloomington, shall forthwith, after the publication hereof, or after acquiring such dog, if not now owned, register the same with the City Marshal, who shall keep a book for that purpose, and it shall be the further duty of such person to pay to said Marshal, annually, before the first day of June in each year, a tax of one dollar for each male, and two dollars for each female of the dog kind, so owned, kept, or harbored by him.

§ 2. MARSHAL TO FURNISH CHECK TO BE PLACED ON COLLAR, ETC.] On receipt of the tax provided for in section one hereof, the Marshal shall furnish to the person paying the same, without charge, at the expense of the city, a metallic check for each dog on which tax is paid, with the year for which the tax is paid plainly marked thereon, which check such person shall cause to be worn upon the collar of such dog.

§ 3. DOG TO WEAR COLLAR WITH NAME OF OWNER.] It shall further be the duty of every person owning, keeping, or harboring any dog, as aforesaid, to cause such dog to wear about his neck a collar, on which shall be engraved the name of his owner or keeper, and no dog shall, at any time, be suffered to go at large within said city without having such collar upon his neck.

§ 4. PROCLAMATION OF MAYOR, ETC.] Whenever the Mayor of said city shall deem it advisable for the prevention of hydrophobia, he may issue his proclamation requiring all dogs

within the city to be confined or to be muzzled, as he may deem best, for such time as he may in his proclamation designate, and during the time so designated, it shall be unlawful for any dog to go at large, or unmuzzled, as the case may be, contrary to the terms of such proclamation.

5. VIOLATIONS—PENALTY—NUISANCE.] Whoever shall own, keep, or harbor any dog, within said city, and shall fail or refuse to register the same, or to pay the tax thereon, or to place a collar thereon with his name upon the same, as herein above provided, or to confine or muzzle the same in accordance with any proclamation issued by the Mayor, or shall fail or refuse to comply with any provision of any ordinance of said city touching dogs, shall be fined three dollars, and every dog respecting which all requirements of this chapter are not complied with, is hereby declared to be a nuisance, and shall, upon conviction of the owner, keeper, or harborer thereof, be abated, by killing such dog in such manner and by such means as may be deemed easiest and best.

CHAPTER V.

ELECTIONS.

SECTION 1. 1. Election—when to be holden—notice of.
 " 2. Judges of election—appointment and oath.
 " 3. Voting to be by ballot—returns made—tie.
 " 4. Manner of deciding tie vote.
 " 5. Time of opening and closing polls—Proclamation.
 " 6. Ballot boxes—judges to examine and lock.
 " 7. Poll books to be provided—manner of keeping, etc.
 " 8. Manner of canvassing ballots.
 " 9. Returns of election—form.

SECTION 1. ELECTION—WHEN TO BE HOLDEN—NOTICE OF.] An election shall be held annually for city officers in each ward of the city of Bloomington on the third Monday in April, at such place as shall be designated by the Council of said city, of which the City Clerk shall give at least ten days previous notice, by written or printed notices, and it shall be the duty of the Marshal to post such notices in three of the most public places in each ward. Special elections to fill any vacancy caused by death, resignation, or other cause, shall be conducted in the same way, and upon the same public notice as general elections.

§ 2. JUDGES OF ELECTION—APPOINTMENT AND OATH.] The City Council shall annually, ten days before any city election, appoint three judges of election in each ward, who shall select

two clerks; said judges shall be sworn to discharge faithfully their duties. If no person shall be present at the opening of the polls authorized to administer oaths, it shall be lawful for the judges, or either of them, to administer the same to each other and to the clerks. The oaths, when thus administered, shall be certified by the judge or judges administering the same, and prefixed to the poll books.

§ 3. VOTING TO BE BY BALLOT—RETURNS MADE—TIE.] All voting at city elections shall be by ballot; the judges and clerks shall make out and transmit sealed returns of the election in each ward to the City Clerk on the day after the election; and whenever there shall be a tie in the ballots cast for any city officer at any election, the judges of such election shall certify the fact to the Mayor of the city who, in the presence of the City Council, shall proceed to determine the same by lot as hereinafter provided.

§ 4. MANNER OF DECIDING TIE VOTES.] The manner of determining tie votes shall be as follows:

When the tie vote is cast for any officer, except the Mayor, due notice of the time and place having been given, the Mayor shall proceed in the presence of the aldermen of said city, or a majority of them, to determine by lot who shall fill the office, the ballots for which are a tie as aforesaid, by making a number of similar ballots equal to the number of persons so having a tie, and on one of said ballots he shall write the name of the office, the ballots for which shall be a tie as aforesaid, leaving the other ballots blank, and put all of said ballots in a convenient box or place, from which each of the persons so having a tie shall draw one ballot, and the person drawing the ballot with the name of the office written thereon, shall be declared by the City Council to be elected; and if any person so having received a tie as aforesaid, after being duly notified, shall absent himself from the place of meeting, the Mayor shall draw a ballot for such person. When two or more persons shall have an equal number of votes for the office of Mayor, the City Clerk shall certify the same to the City Council, who shall proceed to determine the same by lot, by making a number of similar ballots equal to the number of persons having an equal number of votes for Mayor, and on one of them he shall write the word "Mayor," and put them into some convenient box or place, and the persons so having an equal number of votes shall each draw one ballot, and the person drawing the ballot with the word "Mayor" so written on, shall be the Mayor. In case of the absence of any such

person, having notice of the time and place of the meeting, it shall be the duty of the city clerk to draw for such person.

§ 5. TIME OF OPENING AND CLOSING POLLS—PROCLAMATION.] The polls shall be opened at the hour of eight o'clock in the morning and continue open until seven o'clock in the afternoon of the same day, at which time the polls shall be closed. Upon opening the polls, one of the judges or clerks of election shall make proclamation that the polls are open, and at least thirty minutes before closing the polls proclamation shall be made in like manner that the polls will be closed in half an hour.

§ 6. BALLOT BOXES—JUDGES TO EXAMINE AND LOCK.] A ballot box shall be provided for the use of the judges of each ward, with a lock and key, and in the top or lid an aperture not larger than shall be necessary to receive a single folded ballot. On the opening of the polls, the judges shall examine the ballot boxes, and have them closed and locked in the presence of all the spectators.

§ 7. POLL BOOKS TO BE PROVIDED—MANNER OF KEEPING, ETC.] The City Clerk shall provide two poll books for each ward, with columns ruled for the name and numerical designation of each elector; which poll books may be in the following form, to-wit:

POLL BOOK

Of an election held in the — ward of the city of Bloomington, at the — in said ward, on the third Monday of April, in the year 18—, as follows, to-wit:

Number.	Names of Voters.	Number.	Names of Voters,
1	A. B.	37	R. S.
2	C. D.	38	T. U.
3	E. F.	40	V. W.

The poll books shall be kept by the clerks, and the names of voters shall be written and numbered in the order in which they vote. No returns shall be rejected for any defect in the manner of administering or entering the oath aforesaid in the returns.

§ 8. MANNER OF CANVASSING BALLOTS.] The judges and clerks shall count the ballots. No ballot shall be rejected for want of form, if the judges can determine therefrom to their satisfaction the person intended to be voted for, and the office which the voter intended such person should fill. The clerk

shall mark down the votes each candidate shall receive, and the office for which he shall be designated in the ballot.

§ 9. RETURNS OF ELECTION—FORM.] The clerks shall each make out returns of the election by writing at full length the name of every person voted for, the office for which he shall be designated, and the number of votes received by him. Returns may be in the following form:

“At an election held at _____, in the _____ ward of the city of Bloomington, in the State of Illinois, in the year eighteen hundred and _____, the following named persons received the number of votes annexed to their respective names, for the following described offices, to-wit:

A. B. had _____ votes for Mayor..

C. D. had _____ votes for Mayor.

(And so on through the whole list of offices voted for at the election.)

Certified by us, Bloomington, April _____, 18____.

A. B., }
C. D., }
E. F., } Judges of Election.

Attest:

G. H., } Clerks of Election.
I. J., }

CHAPTER VI.

FEES AND SALARIES.

SECTION 1. Compensation of Mayor and aldermen.

- “ 2. Fees of Marshal and policemen.
- “ 3. Fees of jurors.
- “ 4. Fees of witnesses.
- “ 5. Pay of judges and clerks of election.
- “ 6. Fees for impounding and feeding animals.
- “ 7. Fees of City Sexton.
- “ 8. Fees of oil inspectors.
- “ 9. Fees of Inspector of Weights and Measures.
- “ 10. Fees of City Measurer.
- “ 11. Fees of City Weigher.
- “ 12. Compensation of other city officers.
- “ 13. How salaries paid.

SECTION 1. COMPENSATION OF MAYOR AND ALDERMEN.] The Mayor of the city of Bloomington shall receive an annual salary of five hundred dollars; and each alderman of the city shall receive for his services the sum of three dollars per night for each meeting actually attended by him.

§ 2. FEES OF MARSHAL AND POLICEMEN.] The fees of the City Marshal and members of the police force of the city for serving process shall be the same as are by the statutes of the

State of Illinois allowed to constables of McLean county for like services ; and it shall be the duty of said Marshal and members of the police force to see to the collection of all fees due them for serving process and otherwise, where the same is collectible, and to account for the same to the city.

§ 3. FEES OF JURORS.] Every juror serving on a petit jury before a police magistrate of said city, or before any justice for the recovery of any penalty or fine incurred for the violation of an ordinance, shall receive the sum of fifty cents per day, the same to be advanced by the defendant demanding a jury in the cause.

§ 4. FEES OF WITNESSES.] Each witness attending before any police magistrate or justice of the peace, in trials for violations of ordinances shall receive the sum of fifty cents per day.

§ 5. PAY OF JUDGES AND CLERKS OF ELECTIONS.] Judges and clerks of city elections shall receive for their services the sum of three dollars per day each ; and where a registration is required the same shall be paid to the clerks for making registry.

§ 6. FEES FOR IMPOUNDING AND FEEDING ANIMALS.] For impounding and feeding animals at large contrary to ordinance, the following fees shall be allowed :

For taking up and impounding geese, the sum of ten cents per head.

For taking up and impounding any other species of animal, the sum of twenty-five cents per head.

To the Pound-keeper for keeping and feeding geese within the pound, the sum of five cents per day per head.

To the Pound-keeper for keeping and feeding hogs, shoats and pigs within the pound, the sum of fifteen cents per day per head.

To the Pound-keeper for keeping and feeding any and all other animals impounded, the sum of twenty-five cents per day per head.

To the Pound-keeper for receiving animals taken up and driven to the pound by any policeman or other authorized person, the following sums :

For receiving geese, five cents per head.

For receiving other animals, ten cents per head.

To the Pound-keeper for advertising and selling any animal to satisfy any judgment, the same fees and commissions as are allowed by the statutes of Illinois to constables of McLean county for advertising and selling property under execution.

Provided : That in no case shall the City Marshal or any policeman receive any fees for taking up or impounding

animals ; but the Pound-keeper shall in the case of such officers collect the usual fees and pay them over to the city.

§ 7. FEES OF CITY SEXTON.] The City Sexton shall be entitled to demand and receive the following fees, to-wit:

For each interment of the body of a person under ten years of age, two dollars.

For each interment of the body of a person above ten years of age, four dollars.

Which fees shall be paid by the person requiring his services and shall be in addition to the salary allowed by the City Council to said Sexton.

§ 8. FEES OF OIL INSPECTORS.] Inspectors of oil and burning fluid shall receive as fees, to be paid by those requiring their services : For each package, cask or barrel, when inspected in quantities of less than a car load, ten cents ; when inspected in quantities of a car load or more, five cents ; when inspected in tank, at the rate of five cents per forty gallons.

§ 9. FEES OF INSPECTOR OF WEIGHTS AND MEASURES.] The fees of the Inspector of Weights and Measures of the city of Bloomington shall be as follows, to be paid by those requiring his services, to-wit :

For inspecting and stamping platform scales of five thousand pounds or more, including weights, one dollar each.

For inspecting and stamping platform scales of less denomination, including weights, fifty cents each.

For inspecting and stamping large beams of one thousand pounds capacity, or more, including weights, twenty-five cents each ; those of smaller capacity, fifteen cents each.

For inspecting and stamping counter scales and balances, including weights, fifteen cents each.

For inspecting and stamping an entire set of dry measures, twenty-five cents ; for a less number, each measure, ten cents.

For inspecting and stamping an entire set of wine, liquid or beer measures, twenty-five cents ; for a less number, each measure, five cents.

For linear measures, each yard, five cents. *Provided*, That not exceeding twenty-five cents shall be charged any business house for a single inspection.

To the above fees may be added in any case necessary drayage of standards not to exceed fifty cents, together with reasonable charges for correcting erroneous weights and measures, if done at the request of the owner.

§ 10. FEES OF CITY MEASURER.] The City Measurer shall receive for the inspection and measurement of lumber, ten cents per thousand feet ; for the measurement of other building

material or mechanical work, fifty cents per hour, including the time of going to and from the place where such material or work may be situated. One-half of all fees provided for in this section shall be paid by each of the contracting parties.

§ 11. FEES OF CITY WEIGHER.] The City Weigher shall demand and receive the following fees, to-wit:

For each car load of any article weighed, seventy-five cents.

For each draught, when the whole amount to be weighed is less than a car load, ten cents.

Any city weigher who shall demand or receive any greater sum for weighing than herein provided, shall be fined ten dollars.

§ 12. COMPENSATION OF OTHER CITY OFFICERS.] All city officers whose salaries or compensation is not fixed by law or ordinance, shall receive such compensation as the City Council may by ordinance, resolution or otherwise allow, the same to be paid monthly by order of said Council. *Provided*, That said Council shall fix the compensation of every such officer before he enters upon his official term, which compensation shall not be increased nor diminished during such officers' term of office.

§ 13. HOW SALARIES PAID.] All salaries of officers shall be paid by allowance of the City Council, and in no case shall any officer retain any money belonging to the city collected by him, in payment of any salary which may be due him from the city, unless expressly authorized so to do by ordinance.

CHAPTER VII.

FIRE DEPARTMENT.

DIVISION 1.—COMPOSITION AND RULES.

DIVISION 2.—FIRE LIMITS.

DIVISION 1.

Composition and Rules.

SECTION 1. Composition of fire department.

- " 2. Chief Engineer's duties—to have control of property, etc.
- " 3. Chief Engineer to look after property, etc.
- " 4. Chief Engineer to have command at fires, etc.
- " 5. Who to command in absence of Chief Engineer.
- " 6. Duties of engineers.
- " 7. Amount of steam carried—water guages—signals.
- " 8. Duties of drivers.
- " 9. Duties of other members.
- " 10. Department of members.
- " 11. Intoxicating liquors.
- " 12. Intoxication of members.
- " 13. Police force to assist.
- " 14. Violation—penalty.

SECTION 1. COMPOSITION OF FIRE DEPARTMENT.] The fire department of the city of Bloomington shall, until otherwise ordered by the City Council, consist of one Chief Engineer of the fire department, and two fire companies, to be designated respectively as No. 1 and No. 2; each of which companies shall be composed of members as follows: one engineer, one stoker or fireman, one driver of engine, one driver of hose-cart, and six hosemen.

§ 2. CHIEF ENGINEER'S DUTIES—TO HAVE CONTROL OF PROPERTY, ETC.] The Chief Engineer of the fire department shall, under the Mayor, be the chief executive officer of the department, subject to the rules, regulations and orders of the committee on fire department and the City Council, and shall have under such conditions sole control and command of all property belonging to the department, and of all subordinates in the service. He shall enforce the faithful observance of the ordinances of the city and the orders of the committee on fire department.

§ 3. CHIEF ENGINEER TO LOOK AFTER PROPERTY, ETC.] It shall be the duty of the Chief Engineer to see that the engines, horses, and all property and apparatus, provided for the use of the fire department, is protected from violence and kept clean and in perfect condition for immediate use.

§ 4. CHIEF ENGINEER TO HAVE COMMAND AT FIRES, ETC.] At all fires the Chief Engineer shall have sole command ; and all members of the fire department, and all policemen of the city shall, during the continuance of any fire, be subject to his orders ; he may, when deemed necessary for the extinguishment of any fire, call to his aid any person present, and it shall be the duty of every person so called upon by the Chief Engineer, to render prompt assistance.

§ 5. WHO TO COMMAND IN ABSENCE OF CHIEF ENGINEER.] The chief engineer shall designate some discreet and competent member of the fire department, who shall have command at all fires from which such chief engineer may from any cause be absent, and when so designated, and the members of the fire department duly notified thereof, he shall exercise like powers as might be exercised by the chief engineer if present.

§ 6. DUTIES OF ENGINEERS.] The engineers shall have the control and management of their respective steamers, and shall be held responsible for their good condition. They shall keep said steamers always ready and in order for immediate use. Each engineer shall direct and superintend the stoker of his engine in the performance of his duties upon and about such engine, and, when practicable, shall give him instructions with regard to the construction and care of the engine. Each engineer shall keep his engine, as also the room in which it is kept, clean and neat, and shall report to the chief engineer all repairs which may be needed.

§ 7. AMOUNT OF STEAM CARRIED—WATER GAUGES—SIGNALS.] Each engineer shall carry the amount of steam in his engine required by the chief engineer ; in no case, however, to exceed one hundred and twenty pounds ; he shall examine the water gauge of his engine at least twice a day, while in the engine house, and shall, at all times, have two full gauges of water in his engine ; always immediately previous to starting the water through the hose, he shall as a signal blow the whistle once ; when the hose bursts or a hoseman is needed for any purpose, he shall blow the whistle twice, and the officer in command shall have the signal promptly answered.

§ 8. DUTIES OF DRIVERS.] Each driver of engine shall obey the orders of the engineer of the engine he drives, subject to the supervision of the Chief Engineer ; he shall keep the horses, harness, and stable, in a clean and neat condition, giving the horses daily exercise, but without in any case unnecessarily running the same ; and each driver of hose-cart shall perform like duties respecting the horse or horses in

his charge, and shall, in addition, keep the hose in good condition for immediate use.

§ 9. DUTIES OF OTHER MEMBERS.] All members of the fire department shall, upon alarm being given, repair speedily to the scene of the fire, and there perform their duties in a prompt and orderly manner; and in no case shall any member leave the scene of a fire without permission of the Chief Engineer.

§ 10. DEPARTMENT OF MEMBERS.] In conduct and deportment all members of the fire department must be quiet, civil and orderly, maintaining strict decorum in the performance of duties; and they shall, at all times, refrain from the use of harsh, violent, profane or insolent language.

§ 11. INTOXICATING LIQUORS.] No intoxicating liquors of any kind shall be kept, drank, or allowed, in or about any engine-house, or at, or in the vicinity of, any engine or apparatus, during a fire; and for every violation of this section the offender shall be fined not less than ten nor more than one hundred dollars; and if a member of the department, it shall be deemed sufficient ground for discharge.

§ 12. INTOXICATION OF MEMBERS.] Any member of the fire department, who shall, at any time, be in a state of intoxication, shall be fined not less than ten dollars nor exceeding fifty dollars, and such intoxication shall be deemed sufficient ground for discharge.

§ 13. POLICE FORCE TO ASSIST.] The police force of the city shall co-operate with the fire department in the extinguishment of fires and the performance of their duties generally, particularly in carrying any alarm of fire to the respective engine houses. The City Marshal shall superintend the performance of the duties prescribed in this section, during the day time, and the captain of the night police at night.

§ 14. VIOLATION—PENALTY.] For each violation of any provision of the preceding sections hereof, for which no penalty is fixed, the person offending shall be fined not exceeding one hundred dollars; and where the offender is a member of the fire department, the Chief Engineer shall report the case to the Mayor and City Council for their action.

DIVISION 2.

Fire Limits.

SECTION 1. **Boundaries of fire limits.**
" 2. **Wooden buildings in fire limits—Penalty.**
" 3. **Unlawful building—Nuisance.**

SECTION 1. **BOUNDARIES OF FIRE LIMITS.]** All that part of the city of Bloomington embraced within the following boundaries shall hereafter be known as the fire limits of said city; that is to say:

Beginning at a point in the center of the track of the Indianapolis, Bloomington & Western Railroad, due south of the west line of East street, in said city, running thence due north through the center of the blocks between Main and Albert streets, and up and along the said west line of East street to the intersection of said line with the north line of Grove street; thence east along said north line of Grove street to its intersection with the west line of Prairie street: thence north along said west line of Prairie street to its intersection with the south line of Mulberry street; thence west along said south line of Mulberry street to a point due south of the west line of East street, as the same extends northward from said Mulberry street; thence north across said Mulberry street and along said west line of East street to the point of its intersection with the south line of Locust street; thence west along said south line of Locust street to its intersection with the east line of Center street; thence south along said east line of Center street to its intersection with the south line of Mulberry street; thence west along said south line of Mulberry street to the point of its intersection with the east line of West street; thence south along said east line of West street to the point of its intersection with the north line of Olive street; thence east along said north line of Olive street to the point of its intersection with the east line of Center street; thence south along said east line of Center street to a point in the center of the track of the said Indianapolis, Bloomington & Western Railroad; thence southeasterly along the center of said track to the place of beginning.

§ 2. **WOODEN BUILDING IN FIRE LIMITS—PENALTY.]** Whoever shall construct, erect, enlarge, repair, or remove from one place to another within the fire limits of the city, or shall remove from without said limits within the same any building or structure, or part of any building or structure, the outer or party walls of which are in whole or in part composed of wood,

or shall build or attach any wooden cornice or other wooden addition to or upon any building or structure now or hereafter being within said fire limits without permission first obtained from the City Council, shall on conviction be fined not less than twenty-five dollars nor more than one hundred dollars.

§ 3. UNLAWFUL BUILDING—NUISANCE.] Every building or structure or part of any building or structure constructed, enlarged, repaired, removed or in process thereof, and every wooden cornice, or other wooden addition to any building built or constructed, or in process of building or construction, in violation of the next preceding section of this division is hereby declared to be a nuisance, and in addition to the fine prescribed in said section any such unlawful building, structure, cornice or addition, as also the person responsible for the same, may be further proceeded against, as provided in the chapter of the ordinances of said city entitled *nuisances*.

CHAPTER VIII.

GRADES.

SECTION 1. BASE PLANE FOR GRADES.

- “ 2. Grades at center lines of streets, etc.
- “ 3. Grades of building lines and sidewalks.
- “ 4. Construction of sidewalks—commissioner's report.
- “ 5. Sidewalk off grade—nuisance.
- “ 6. Grades established.
- “ 7. Construction.

SECTION 1. BASE PLANE FOR GRADES.] All grades within the city of Bloomington shall be reckoned and computed from a base or datum plane one hundred and twenty feet below the top of the water table of the Ashley House at the northwest corner of Center and Jefferson streets, in said city; from which plane the grades herein fixed and established are computed, said plane being counted zero, and the figures in each case showing the number of feet and decimal fractions of feet that each grade is above the said base or datum plane.

§ 2. GRADES AT CENTER LINES OF STREETS, ETC.] The grades of said city shown by the figures hereinafter contained, are at the center lines of the streets for which they are given, and at the several points named upon said lines, and where grades are given at the intersection of streets, unless otherwise expressly stated, the point designated shall be understood to be

the intersection of the center lines of such streets, or the point where said lines would intersect if extended.

§ 3. GRADE OF BUILDING LINES AND SIDEWALKS.] The outer and building lines of the streets of said city, shall be respectively as near as practicable of the same height of grade as the center of their respective streets, due allowance being made for the grades of cross streets, and the grades of sidewalks shall conform to the grades of their respective streets, and shall be six inches above the same.

§ 4. CONSTRUCTION OF SIDEWALKS—COMMISSIONER'S REPORT.] No person shall construct or cause to be constructed any sidewalk or part thereof, within the fire limits, without first obtaining the exact grade of such sidewalk, from the Commissioner of Sidewalks, and when the same is obtained, the said sidewalk shall be constructed according to the established grade; and it shall be the duty of the Commissioner of Sidewalks to give the grade of the proposed sidewalk, to such applicant, and to make report to the Council as to whether said sidewalk is built according to the established grade. Whoever shall violate any provision of this section shall, upon conviction, forfeit and pay a penalty of five dollars for each offence.

§ 5. SIDEWALKS OFF GRADE—NUISANCE.] All sidewalks hereafter built, which do not conform to the grades of their respective streets as required in the next preceding section, as also all sidewalks now constructed, which may be off grade, and the owners of which shall have been given ten days' notice in pursuance of an order of the City Council to bring the same to grade, and the same has not been done, are hereby declared to be nuisances, and the same shall be taken up, removed and abated, as other nuisances, and the site thereof incorporated by the Commissioner of Sidewalks, in an ordinance for the construction of a proper sidewalk thereon, in pursuance of law.

§ 6. GRADES ESTABLISHED.] The grades of said city at the points below indicated, are hereby established by authority of the City Council as follows, to-wit:

	Mason Street.		Mason Street.
North street,	69.8	Chestnut street,	79.1
Slough,	63.5	Walnut street.	76.6
Market street,	64.5	Empire street,	70.7
Mulberry street,	81.5	Scott street,	68.5
Intermediate,	82.7	Graham street,	72.5
Locust street,	81.5	Slough,	68.5
Center of block,	82.5	Seminary avenue,	73.0

	Mason Street.	Lee Street.
225 feet, north,	78.5	Mulberry street, 71.5
375 feet, north,	81.0	Locust street, 85.5
575 feet, north,	77.0	Chestnut street, 92.25
Division street,	58.5	Walnut street, 86.8
	Oak Street.	Intermediate, 88.8
Front street,	79.3	Empire street, 84.8
Washington street,	86.42	Scott street, 79.0
Jefferson street,	80.5	Graham street, 81.0
North street,	83.0	Union street, 73.0
Market street,	73.3	Seminary avenue, 81.0
Slough,	68.3	West Street.
Mulberry street,	73.0	South Grove street, 91.5
Locust street,	85.0	Clay street, 85.55
Center of block,	87.3	Mill street, 79.6
Chestnut street,	85.1	Water street, 74.3
Walnut street,	81.0	I. B. & W. R. R., 76.4
Intermediate,	83.3	Intermediate, 75.4
Empire street,	78.2	Olive street, 86.5
Scott street,	74.0	Center of block, 89.6
Graham street,	76.0	Grove street, 88.2
Alley,	72.0	Front street, 94.7
Union street,	70.0	Washington street, 99.0
Seminary avenue,	77.0	Jefferson street, 103.0
	Lee Street.	North street, 100.0
Springfield road,	132.6	Market street, 77.5
Hunter street,	128.2	Slough, 71.0
Wood street,	122.0	Mulberry street, 73.0
Elm street,	110.8	Locust street, 89.75
South Grove st.,	102.8	Chestnut street, 96.26
Clay street,	100.0	Walnut street, 92.5
Mill street,	95.25	Empire street, 88.0
South Water street,	78.6	Scott street, 85.0
Slough,	73.5	Graham street, 88.0
I. B. & W. R. R.,	75.42	Slough, 74.0
Intermediate,	73.5	Union street, 76.0
Olive street,	79.0	Seminary avenue, 85.0
Center of block,	81.5	Madison Street.
Grove street,	80.0	Wood street, 116.0
Front street,	99.5	Elm street, 108.25
Washington street,	95.5	South Grove street, 100.5
Jefferson street,	93.75	Clay street, 97.0
North street,	92.0	Mill street, 83.0
Market street,	79.0	Intermediate, 78.44
Slough,	70.5	I. B. & W. R. R., 77.6

Madison Street.		Main Street.	
Water street,	75.4	Scott street,	81.0
Kentucky alley,	81.1	Center of block,	82.0
Olive street,	92.0	Graham street,	81.0
Grove street,	98.5	Filmore street,	82.0
Front street,	101.0	Intermediate,	83.0
Washington street,	105.5	Union street,	84.0
Jefferson street,	111.8	Seminary avenue,	91.0
Center of block,	110.6	Main Street.	
North street,	104.25	Rankin street,	129.75
Market street,	83.25	Wood street,	122.0
Slough,	74.6	Elm street,	113.0
Mulberry street,	75.5	South Grove st.,	106.0
Locust street,	92.0	Clay street,	95.0
Chestnut street,	99.2	Mill street,	81.5
Walnut street,	97.0	I. B. & W. R. R.,	80.6
Empire street,	85.0	Slough,	80.1
Scott street,	82.0	Water alley,	86.0
Graham street,	80.0	Kentucky alley,	94.66
Intermediate,	77.0	Olive street,	103.3
Union street,	81.0	Grove street,	111.25
Seminary avenue,	91.0	Front street,	116.4
Center Street.		Center of block,	116.7
Wood street,	123.5	Washington street,	114.8
Elm street,	116.0	Jefferson street,	111.6
South Grove st.,	108.5	North street,	102.7
Clay street,	94.5	Market street,	87.2
Mill street,	82.5	West Mulberry,	83.2
I. B. & W. R. R.,	79.2	East Mulberry,	83.5
South slough,	78.75	Locust street,	89.25
Water alley,	82.16	Chestnut street,	99.5
Kentucky alley,	88.86	Walnut street,	93.0
Olive street,	96.75	Empire street,	86.0
Grove street,	101.8	Scott street,	87.0
Front street,	107.3	Graham street,	88.5
Washington street,	112.4	Filmore street,	88.0
Jefferson street,	116.8	Intermediate,	87.8
Center of block,	115.0	Union street,	89.8
North street,	109.0	Seminary avenue,	93.0
Market street,	86.03	Kelsey street,	81.0
North slough,	77.89	Division street,	71.5
Locust street,	86.48	East Street.	
Chestnut street,	97.0	Olive street,	111.5
Walnut street,	94.7	Grove street,	115.12
Empire street,	83.0	Front street,	113.25

	East Street.	Gridley Street.
Washington street,	107.0	Jefferson street, 113.5
Jefferson street,	105.0	Center of block, 112.4
Center of block,	103.5	North street, 106.8
North street,	97.48	Woodard street, 90.75
Market street,	83.0	Slough, 84.0
Slough,		Douglas street, 86.5
Mulberry st., west,	88.57	
Mulberry st., east,	92.0	McLean Street.
Locust street,	102.5	Clay street,
Center of block,	104.8	Hickory street,
Chestnut street,	103.0	Jackson street,
Walnut street,	97.0	Taylor street,
Empire street,	89.0	Olive street, 106.5
Granite street,	95.0	Grove street, 115.14
Center of block,	96.5	Front street, 118.25
University avenue,	95.0	Center of block, 120.9
	Prairie Street.	Washington street, 119.5
Grove street,	112.96	Jefferson street, 110.0
Intermediate,	114.4	North street, 98.1
Front street,	111.75	Woodard street, 86.2
Washington street,	106.5	Douglas street, 92.35
Jefferson street,	108.5	Mulberry street, 95.5
North street,	104.0	Locust street, 102.5
Woodard street,	91.25	Chestnut street, 112.5
Slough,	83.5	Walnut street, 108.5
Douglas street,	84.0	Empire street, 105.0
Mulberry street,	89.0	Boon Street.
Locust street,	102.5	Stewart street, 141.0
Chestnut street,	106.5	Lincoln street, 137.0
Walnut street,	100.0	Intermediate, 138.0
Empire street,	95.8	Bissell street, 136.0
Granite street,	101.5	Buchanan street, 133.75
Center of block,	103.0	Fremont street, 129.0
University avenue,	101.0	Nicolls street, 125.5
	Gridley street.	Wood street, 119.0
Clay street,		Elm street, 112.5
Hickory street,		South Grove street, 105.0
Center of block,	82.1	Clay street, 95.5
Jackson street,	84.9	Wright Street.
Taylor street,	90.7	Stewart street, 135.5
Olive street,	99.4	Intermediate, 132.0
Grove street,	111.95	Lincoln street, 135.0
Front street,	113.75	Intermediate, 138.0
Washington street,	110.5	Bissell street, 135.5
		Buchanan street, 131.5

Wright Street.		Grove Street.	
Fremont street,	125.5	Gridley street,	111.95
Nicolls street,	120.5	Prairie street,	112.96
Intermediate,	122.5	East street,	115.12
Elm street,	105.0	Main street,	111.25
South Grove street,	99.5	Center street,	101.8
Clay street,	92.5	Madison street,	98.5
South Grove Street.		West street,	88.2
Intermediate between Boon and Wright streets,		Lee street,	80.0
Olive Street.		Mason street,	67.5
Robinson street,	100.0	Slough,	65.5
Clinton street,	105.0	Low street,	68.3
Clayton street,	113.5	Orchard Lane,	82.3
Evans street,	116.5	Lange's alley,	
McLean street,	106.5	Front Street.	
Gridley st., north,	100.5	Side track of I. C.	
Gridley st., south,	99.4	R. R.	116.25
Albert st., south,	112.5	Robinson street,	112.0
Albert st., north,	113.0	Clinton street,	107.75
East street,	111.5	Clayton street,	111.3
Main street,	103.3	Evans street,	117.66
Center street,	96.75	Center of block,	121.3
Madison street,	92.0	McLean street,	118.25
West street,	86.5	Gridley street,	113.75
Lee street,	79.0	Prairie street,	111.75
363 ft. west of Lee st.	70.4	165 ft. E. of East st.	114.5
671 ft. west of Lee st.	67.0	East street,	113.25
I., B. & W. R. R.,	78.4	Main street,	116.4
Low street,	76.0	Center street,	107.3
Center of block,	85.5	Madison street,	101.0
Orchard Lane,	88.0	West street,	94.7
East line of Lange's addition,	90.0	Lee street,	89.5
Lange's alley,	88.0	Oak street,	79.3
Grove Street.		Mason street,	71.4
Side track of I. C.		Slough,	65.0
R. R.,	117.76	Orchard Lane,	70.0
Robinson street,	113.51	I., B. & W. R. R.,	75.8
Clinton street,	115.84	Lange's alley,	83.0
Center of block,	118.96	Howard street,	85.5
Clayton street,	118.76	Morris avenue,	76.0
Evans street,	119.83	Loehr street,	
McLean street,	115.14	Washington Street.	
		Side track of I. C.	
		R. R.,	116.25
		Intermediate,	108.0

Washington Street.	Jefferson Street.
Clinton street, 105.84	Oak street, 80.5
Slough, 105.0	Mason street, 74.2
Clayton street, 108.0	Slough, 61.0
Evans street, 113.3	North Street.
McLean street, 119.5	Alley west of I. C.
Gridley street, 110.5	R. R., 120.0
Prairie street, 106.3	Clinton street, 102.8
Slough, 103.5	Clayton street, 94.0
East street, 107.0	Slough, 93.0
Main street, 114.8	Evans street, 94.5
Center street, 112.4	McLean street, 98.1
Madison street, 105.5	Gridley street, 106.8
West street, 99.0	Prairie street, 104.0
Lee street, 95.5	Slough, 94.5
Oak street, 86.42	East street, 97.48
Mason street, 77.0	Main street, 102.7
Slough, 62.5	Center street, 109.0
Allin street,	Madison street, 104.25
Intermediate,	West street, 100.0
Intermediate,	Lee street, 92.0
Howard street,	Oak street, 83.0
Morris avenue,	Mason street, 69.8
Jefferson Street.	
Side track of I. C.	
R. R., 116.6	
Intermediate, 113.0	
Clinton street, 103.5	
Slough, 100.6	
Clayton street, 102.06	Market Street.
Evans street, 106.0	East street, 88.0
McLean street, 110.0	Main street, 87.2
Gridley street, 113.8	Center street, 87.4
Prairie street, 108.5	Madison street, 82.0
194 feet West of	West street, 76.5
Prairie street, 101.0	Lee street, 78.0
226 feet West of	Oak street, 73.3
Prairie street, 100.0	Mason street, 66.5
East street, 105.0	Allin street, 70.0
Center of block, 109.2	Catherine street, 71.9
Main street, 111.6	Howard street, 70.0
Center street, 116.8	233 feet west of
Madison street, 111.0	Howard street, 67.0
West street, 103.0	Bridge under C.
Lee street, 93.75	& A. R. R., 56.0
	175 feet east of

Market Street.		Locust Street.	
Cranmer street,	61.0	McLean street,	103.5
Cranmer street,	60.0	Intermediate,	244 ft.
Woodard Street.		E. of E. line of	
Alley west of I. C.		Prairie street,	100.0
R. R.,	120.0	Prairie street,	102.5
Clinton street,	111.0	Intermediate,	104.6
Clayton street,	99.5	East street,	102.5
Evans street,	93.0	Main street,	89.25
McLean street,	86.2	Center street,	86.48
Douglas Street.		Madison street,	92.0
Alley west of I. C.		West street,	89.75
R. R.,	121.0	Lee street,	85.5
Clinton street,	113.5	Center of block,	86.5
Clayton street,	110.5	Oak street,	85.0
Evans street,	105.0	Mason street,	81.5
McLean street,	94.5	Intermediate,	83.5
Mulberry Street.		Allen street,	81.5
Alley west of I. C.		Catherine street,	78.5
R. R.,	120.0	Intermediate,	
Clinton street,	115.5	Bridge,	
Intermediate,	116.0	Lumber street,	78.42
Evans street,	103.0	Chestnut Street.	
McLean street,	95.5	I. C. R. R. track,	109.0
Prairie street,	89.0	200 ft. east of Clin-	
East street,	92.0	ton street,	115.5
Intermediate,	88.57	Clinton street,	112.0
Main street,	83.5	Evans street,	114.0
Center street,	78.0	McLean street,	111.5
Madison street,	75.5	Prairie street,	106.2
West street,	73.0	East street,	103.0
Lee street,	71.5	Main street,	99.5
Oak street,	73.0	Center street,	97.0
Mason street,	81.5	Madison street,	99.2
Center of block,	86.6	West street,	96.26
Allin street,	84.0	Lee street,	92.26
Catherine street,	81.0	Oak street,	85.1
Howard street,	74.5	Mason street,	79.09
C. & A. R. R.,	70.3	Allin street,	75.14
Lumber street,	72.0	Catherine street,	72.51
Locust Street.		C. & A. R. R.,	69.0
Alley west of I. C.		Lumber street,	67.55
R. R.,		Walnut Street.	
Clinton street,	117.0	McLean street,	108.5
Evans street,	109.5	Evans street,	111.6

Walnut Street.	Empire Street.
Center of block, 116.0	Track of I. C. R.R. 102.5
Clinton street, 114.0	Division Street.
Empire Street.	Main street, 71.5
McLean street, 105.0	233 feet east, 65.0
Evans street, 104.5	Parker street, 58.5
Clinton street, 100.7	200 feet east, 55.5
150 ft. west of I. C.	400 feet east, 54.5
R. R. track, 106.4	Street railway, 58.7

§ 7. CONSTRUCTION.] Nothing herein contained shall be construed to confer any power on any person to fill or excavate any street, or to raise or lower any sidewalk now existing adjacent to any premises, until such street or sidewalk has been by the City Council ordered to be brought to grade; the true intent and meaning of this chapter being to fix and determine the grades of streets to which it refers, without ordering or authorizing the same or any of them to be brought to the grade so fixed.

CHAPTER IX.

LICENSES.

DIVISION 1.—GENERAL PROVISIONS.

- “ 2.—AUCTIONS AND AUCTIONEERS.
- “ 3.—BILLIARDS AND TEN-PINS.
- “ 4.—BUTCHERS.
- “ 5.—HAWKERS AND PEDDLERS.
- “ 6.—JUNK-SHOPS.
- “ 7.—MILKMEN.
- “ 8.—PAWBROKERS.
- “ 9.—PORTERS AND RUNNERS.
- “ 10.—SCAVENGERS.
- “ 11.—SHOOTING GALLERIES.
- “ 12.—SHOWS AND EXHIBITIONS.
- “ 13.—VEHICLES.
- “ 14.—SUNDRY AVOCATIONS.

DIVISION 1.

General Provisions.

SECTION 1. Manner of applying for and issuing license.

“ 2. Contents of license—holder to exhibit same.

“ 3. Time granted for—not transferable—bond.

“ 4. License subject to Ordinances, etc.—revocation and forfeiture.

SECTION 1. MANNER OF APPLYING FOR AND ISSUING LICENSES.] Licenses shall be granted under the ordinances of the city of Bloomington in the manner and upon the conditions following, and not otherwise: The person desiring license shall make a written application therefor to the City Treasurer, signed by the applicant, stating therein the purpose and time for which license is desired, and the place where the business for which license is sought is to be conducted, and upon presentation of said application to the City Treasurer, and the payment to said Treasurer of the sum required by ordinance for such license, said Treasurer shall issue to the applicant a receipt for the sum paid, specifying therein the purpose, length of time and location, if any, for which license is to be issued, and on delivery of such receipt to the City Clerk it shall be the duty of said Clerk, without further charge, to issue to the applicant a license in accordance with its terms; and said Clerk

shall preserve in his office all receipts on which licenses are so issued.

§ 2. CONTENTS OF LICENSE—HOLDER TO EXHIBIT THE SAME.] Every license shall contain the name in full of the person to whom the same is granted, the kind of business thereby authorized, the time covered by the same, and where the same is to conduct a local business, the street and the number of the place of business thereby covered, and shall be signed by the City Clerk, attested by the seal of the city, and such license shall not protect the holder thereof beyond the express terms of the license. Every person holding a license shall, upon demand, exhibit the same to any city officer.

§ 3. TIME GRANTED FOR—NOT TRANSFERABLE—BOND.] Unless otherwise specially provided by ordinance, no license shall be granted for a longer period than one year, nor be assignable or transferable without permission of the City Council, nor be held to authorize any person other than the one therein named to carry on the business therein specified; and where bond is by ordinance required of the person licensed, the City Clerk shall see to the taking and approving the same unless otherwise specially provided by ordinance.

§ 4. LICENSE SUBJECT TO ORDINANCES, ETC.—REVOCATION AND FORFEITURE.] Every license issued shall be taken and held subject to all ordinances and police regulations of the city then existing or afterwards passed, and also subject to revocation in the discretion of the City Council; at any time on refunding the price paid for the unexpired time of such license; and on conviction of the person holding any license, of a breach of any ordinance of the city regulating the business therein licensed, the City Council may in its discretion declare such license forfeited, without the repayment above required. The conditions contained in this section shall be made a part of every license issued by said city.

DIVISION 2.

Auctions and Auctioneers.

SECTION 1. Auction license.

- “ 2. Bond of auctioneer.
- “ 3. License issued quarterly—application.
- “ 4. License not transferable—when agent may sell—place of business, etc.
- “ 5. One per cent. of receipts to be paid to city.
- “ 6. Book to be kept—monthly statement.
- “ 7. Selling without license and other violations—penalties.
- “ 8. Substitution of articles—penalties.

SECTION 1. AUCTION LICENSE.] No sale of goods, chattels, or personal property, at auction, except sales made under legal

process, and sales of thoroughbred or imported live stock, sold for breeding purposes, shall be made except by an auctioneer or other person who shall first have obtained from the City Clerk a license, and executed a bond to said city as hereinafter provided.

§ 2. BOND OF AUCTIONEER.] No person shall receive a license to sell goods at auction in said city until he shall first have executed to said city a bond in the penal sum of five hundred dollars, with two or more securities residing within said city, to be approved by the City Clerk, conditioned for the strict observance of all ordinances of said city respecting auctions and auctioneers, and also for the payment to said city of all moneys belonging to the same which may come into his hands as such auctioneer.

§ 3. LICENSE ISSUED QUARTERLY—APPLICATION.] There shall be charged for every license granted under the provisions of this chapter eight and one-third dollars per month payable in advance, and no license shall be granted for a shorter period than three months. Every applicant for such license having or professing to have a regular auction store or fixed place of business shall state in his written application the location of such store or place of business.

§ 4. LICENSE NOT TRANSFERABLE—AGENT MAY SELL—PLACE OF BUSINESS, ETC.] No license issued under the provisions of this chapter shall be transferable, or be held to authorize any person other than the one named therein, or his agent or servant to sell or cry goods at auction, and such agent or servant shall only be authorized to auction goods when it may be necessary to rest his employer, or when from sickness or other emergency such employer is unable to do the business himself, and in no case shall any license be held to authorize any two persons to sell under it at one and the same time, or to cover more than one place of business, or to authorize auction sales at any other than the regular place of business of the person receiving such license, if he have such regular place; *Provided*, that any auctioneer may, by first notifying the City Clerk, change the location of his place of business, in which case the license shall be held to cover such new place; and, *Provided further*, that any licensed auctioneer may temporarily leave his regular place of business and sell where situate, any property which cannot conveniently be removed to such place of business.

§ 5. ONE PER CENT. OF RECEIPTS TO BE PAID TO THE CITY.] In addition to the license fees to be paid by auctioneers, as in this chapter provided, it shall be the duty of every person selling

any goods, chattels, or personal property at auction, to pay into the city treasury one per cent. upon the gross receipts of all such sales made by him within the city, by virtue of his license.

§ 6. BOOK TO BE KEPT—MONTHLY STATEMENT.] Every person licensed as aforesaid shall procure and keep a book, which shall be subject to the inspection of any city officer, in which he shall keep a correct account of all sales made by such auctioneer, and the gross receipts therefor; and every such person shall, at the end of each month, make out and file with the City Clerk, a statement in writing, and under oath giving the amounts and gross receipts of all sales made by him within the city during such month, to which statement shall be attached the receipt of the City Treasurer, showing the sum or sums paid by such person into the city treasury. In the case of non-resident persons who may be sojourning temporarily in the city, selling goods at auction, the statement required in this section shall be made daily, as soon as may be after the close of each day's sales.

§ 7. SELLING WITHOUT LICENSE AND OTHER VIOLATIONS—PENALTIES.] Whoever shall sell, or attempt to sell, at public auction within the city of Bloomington, any goods, chattels or personal property, without first having obtained a license and executed a bond as above required, or whoever shall violate any other provision of this chapter, or shall in any particular wilfully fail or refuse to comply with any of its terms, conditions or requirements, shall be fined not less than ten dollars nor more than fifty dollars.

§ 8. SUBSTITUTION OF ARTICLES—PENALTIES.] Whoever shall exhibit and offer for sale at auction any article and induce its purchase by any bidder, and shall afterwards secretly substitute any other article for the one so exhibited, with intent to deceive and defraud such bidder; or whoever shall while engaged in or about the making of any auction sale, be guilty of any device, trick, or fraudulent practice with intent thereby to deceive or defraud any bidder shall be fined fifty dollars, and the license of such person shall be deemed to be forfeited.

DIVISION 3.

Billiards and Ten-Pins.

SECTION 1. Billiard tables, ten-pin alleys, etc., licensed.

“ 2. When closed—penalty.

“ 3. Minors playing or loitering—penalty.

SECTION 1. BILLIARD TABLES, TEN-PIN ALLEYS, ETC., LICENSED.] No person shall keep within the city of Bloomington

any billiard, pool, or pigeon-hole table, or any ten-pin alley, to be used or played upon by others for hire or gain, without first having obtained a license therefor under a penalty of fifty dollars for each offense. The charges for such license shall be at the rate of seventy-five dollars per year.

§ 2. WHEN CLOSED—PENALTY.] All billiard rooms and ten pin alleys within said city shall be kept closed on Sundays; and on week days they shall be closed by eleven o'clock in the evening of each day and be kept closed until five o'clock in the morning of the next day following. Any person violating this section shall for each offense be fined not less than ten dollars nor more than fifty dollars.

§ 3. MINORS PLAYING OR LOITERING—PENALTY.] No keeper of any billiard room or ten pin alley within said city shall permit any person under the age of twenty-one years to play at any game upon any table or alley kept by him, nor shall he permit any such person to frequent his place of business or to loiter or remain therein, unless upon the written consent and permission of the parent or guardian of such person, and for every violation of any provision of this section, the person violating the same shall be fined ten dollars.

DIVISION 4.

Butchers.

SECTION 1. Butcher's license—rate and time—definition.
 " 2. Butchers to keep book, etc.—penalty.
 " 3. Butchers to make monthly report—penalty.
 " 4. Killing diseased animal, etc.—penalty.
 " 5. Keeping flesh of diseased animal, etc.,—penalty.
 " 6. Meat Inspectors—powers and duties.
 " 7. Penalties—appeal to Marshal or Mayor allowed.
 " 8. Moieties—officer not to receive—how applied for.

SECTION 1. BUTCHER'S LICENSE—RATE AND TIME—DEFINITION.] Whoever shall pursue the calling of a butcher within the city of Bloomington without first having obtained a license therefor, in pursuance of this division, shall be fined one hundred dollars. The rate of butcher's license shall be ten dollars per year or a proportionate sum for any shorter period, and every such license shall expire on the 30th day of April next, after the granting thereof. Every dealer in fresh meat shall be deemed a butcher within the meaning of this division.

§ 2. BUTCHER TO KEEP BOOK, ETC.—PENALTY.] Every butcher shall keep a well bound book to be furnished by the City Clerk at the expense of the city, in which he shall cause to be legibly recorded in ink a description of each animal either slaughtered by him or the flesh of which he keeps for sale, which description shall set forth the species, sex, color, and

age, if known, of such animal, and also the name and place of residence of the person from whom such animal was obtained, and the date when slaughtered; and if such animal is a bull, stag, ram or boar, that fact shall be entered upon said book as part of said description. Such book shall at all times be subject to the inspection of any city officer, and any person proposing to purchase of the flesh of any animal may demand to see the recorded description of such animal. Any butcher failing to keep a book as herein required, or failing to make truthfully every entry therein above set forth, or failing or refusing to exhibit said book on demand to any person having a right to inspect the same, shall be fined for each offense, one hundred dollars.

§ 3. BUTCHER TO MAKE MONTHLY REPORT—PENALTY.] Within one week after the close of each calendar month, every butcher licensed as aforesaid shall make out and file with the City Clerk a report, verified by his oath, in which shall be stated all the matters and things required to be recorded in the book provided for in the next preceding section hereof, and in manner and form as the same is required to be kept in said book, and any butcher failing or refusing to make such report, or who shall make any false or untruthful report, shall be fined one hundred dollars.

§ 4. KILLING DISEASED ANIMALS, ETC.—PENALTY.] Whoever shall slaughter within said city, or within one mile of the limits thereof, any emaciated, sick, sore, bruised, wounded, diseased, or disordered animal, or any animal having been within twenty-four hours next before the time of slaughtering excessively driven, so as to become heated, or any calf under four weeks old, or any female animal being at the time far gone with young; or whoever shall keep or have within the limits aforesaid any animal of the character or condition aforesaid, with intent that the same shall, while in such condition, be slaughtered for food, shall be fined one hundred dollars.

§ 5. KEEPING FLESH OF DISEASED ANIMALS, ETC.—PENALTY.] Whoever shall sell, offer to sell, or keep, or expose, for sale within said city any tainted or unwholesome fresh meat, or any flesh of any animal which was at the time of slaughtering emaciated, sick, sore, bruised, crippled, wounded, diseased or disordered, or of any animal coming to its death naturally, or by any means other than the usual mode of slaying animals for food, or of any animal not usually deemed wholesome or fit for food, or the flesh of any calf slaughtered under the age of four weeks, or of any female animal which at the time of

slaughtering was far gone with young, shall for each offense be fined one hundred dollars.

§ 6. MEAT INSPECTORS—POWERS AND DUTIES.] Every member of the police department of the city of Bloomington is hereby made and constituted *ex-officio* an inspector of meat. Every such officer shall be entitled on demand to see and inspect any fresh meat which any butcher may keep or have on hand within the city, as also any live animal obtained or designed by any butcher for the slaughter; and every butcher shall truthfully answer all questions put to him by such inspector touching any fresh meat, of any animal procured or kept by him as aforesaid. When any animal for any cause is deemed unfit for the slaughter, or any meat unfit for food, the officer inspecting shall condemn the same and order its immediate removal from the city.

§ 7. PENALTIES—APPEAL TO MARSHAL OR MAYOR ALLOWED.] Any butcher who shall fail or refuse to exhibit any animal or any meat to any inspector on demand as provided in the last preceding section, or shall answer falsely or evasively or refuse to answer any question put to him by any inspector as in said section authorized, or who shall sell or offer to sell or keep or expose for sale any fresh meat the same having been condemned by any meat inspector, or shall fail or refuse to immediately remove from the city any meat or animal so condemned, or who shall slaughter any condemned animal, shall upon conviction be fined one hundred dollars: *Provided*, that when any such condemnation is made by any subordinate member of the police force it shall be the right of the person owning the meat or animal condemned to appeal to the City Marshal or the Mayor, or both, who may, if such condemnation is thought wrong or unjust, reverse the same.

§ 8. MOIETIES—OFFICER NOT TO RECEIVE—HOW APPLIED FOR.] One-half of every penalty collected for any violation of this division shall be paid over to the person furnishing the information which leads to the conviction: *Provided*, that no moiety or reward shall in any case be paid under this section to any police officer; and *Provided further*, that all applications for moiety under this section shall be made to the City Council, and supported by proof, and shall only be paid on the order of said Council.

DIVISION 5.

Hawkers and Peddlers.

SECTION 1. Peddlers and hawkers to be licensed—Council may exempt residents.

- “ 2. Canvassing and soliciting orders.
- “ 3. Rate of charges for peddler's license.
- “ 4. Statement in application.
- “ 5. Peddler not to vex or annoy any person or enter house without permission.

SECTION 1. PEDDLERS AND HAWKERS TO BE LICENSED—COUNCIL MAY EXEMPT RESIDENTS.] No person shall sell or attempt to sell any goods, article or thing, (except farm and garden products offered for sale by the producer thereof,) by peddling, hawking, or public outcry, or at any temporary or uninclosed stand or place of business within the city, without first obtaining a peddler's license therefor, under a penalty of twenty-five dollars for each offense: *Provided*, that the City Council may, in their discretion, by vote or resolution, exempt any person, having been a *bona fide* resident of the city for six months, from the provisions hereof, or may order license to be granted to such person at a lower rate than is hereinafter specified.

§ 2. CANVASSING AND SOLICITING ORDERS.] Every person canvassing or taking orders for books, pictures, publications or other articles, shall be deemed within the scope of this division, and be required to take out a peddler's license; but no license shall be required for the delivery of any article where the order therefor was taken under a license; if, however, no license was taken out by the canvasser, the article shall not be delivered without a peddler's license: *Provided*, that regular commercial travelers employed by wholesale houses and selling staple articles of merchandise to the merchants of the city, shall not be deemed to be within the meaning of this section.

§ 3. RATE OF CHARGES FOR PEDDLER'S LICENSE.] Licenses granted under this division shall be charged for at the following rates:

For selling jewelry, ten dollars per day.

For selling salve, liniment, drugs, medicines, cloths, silks, cassimeres, dress goods, shawls, or table-cloths, the sum of five dollars per day, or twenty-five dollars per week.

For selling statuary, pictures, books, or publications other than newspapers and magazines, or taking orders for the same, the sum of five dollars per month.

For selling any and all articles not above enumerated, the sum of one dollar per week.

Provided, that cakes, fruit, nuts, candies, lemonade, soda and other confections and refreshments may be peddled and sold without license, except upon the occasion of any public meeting or gathering within the city, when the City Council may, by resolution, provide for licensing the same, and fix a special rate therefor: and, *Provided further*, that when the manner of vending is by music, songs, speeches, or other outcry, the rate shall be five dollars per day, without regard to the class or kind of article sold.

§ 4. STATEMENT IN APPLICATION.] Every application for a peddler's license, shall state definitely the article or articles to be sold, and the proposed manner of selling, whether by speeches, songs, outcry or otherwise, and the person licensed shall then be limited to the articles and mode of sale stated in his application, and be protected no further.

§ 5. PEDDLER NOT TO VEX OR ANNOY ANY PERSON OR ENTER HOUSE WITHOUT PERMISSION.] No peddler shall vex, annoy or harass any person by importuning such person to purchase or to look at his goods, nor shall any peddler enter any private house without being invited to go in, under a penalty of ten dollars for each offense.

DIVISION 6.

Junk-shops.

SECTION 1. JUNK-SHOP DEFINED—LICENSE.

- “ 2. Rate of license—when to expire—bond.
- “ 3. Book to be kept—inspection of by officers—penalty.
- “ 4. Time goods to be kept—penalty.
- “ 5. Property of minor—stolen property, etc.—penalty.

SECTION 1. JUNK-SHOP DEFINED—LICENSE.] A junk-shop is hereby defined to be any store, office, room, or place of business, kept for the purchase, sale or exchange of second-hand clothing, mechanical tools, firearms, old metal, rope, canvas, and other like articles. No person or firm shall keep a junk-shop within said city, without first obtaining a license therefor, under a penalty of fifty dollars for each offense.

§ 2. RATE OF LICENSE—WHEN TO EXPIRE—BOND.] Junk-dealers shall pay for license ten dollars per year, and at that rate for any shorter period; and every such license shall expire on the 30th day of April next after the date of the granting thereof; but no license shall be issued under this division until the applicant shall have given a bond to the city in the

penal sum of five hundred dollars, with two or more good and sufficient securities, residents of said city, to be approved by the City Clerk, conditioned that said applicant will strictly observe all ordinances of said city for the regulation of junk-dealers and junk-shops, and will pay all fines and damages incurred on account of his failure in that behalf.

§ 3. BOOK TO BE KEPT—INSPECTION OF BY OFFICERS—PENALTY.] Every person keeping a junk-shop shall keep at his place of business a book, in which he shall cause to be legibly entered, with ink, a description of all articles received by him in the course of his business as such junk-dealer, the date of its receipt, the name and place of residence of the person from whom received, together with any marks by which the same can be identified, and no such entry shall be erased, obliterated, or defaced, which said book, as also any article so received and on hand, shall be subject to the inspection of any city officer during ordinary business hours. Any violation of any provision of this section, shall subject the offender to a penalty of twenty dollars.

§ 4. TIME GOODS TO BE KEPT—PENALTY.] Every junk-dealer shall keep in his possession, without changing the form or character thereof, each article of property received by him in the course of his business as such junk-dealer, for the full period of three days, under a penalty of ten dollars for each offense.

§ 5. PROPERTY OF MINOR—STOLEN PROPERTY, ETC.—PENALTY.] No person licensed under this division shall purchase or receive any article of property of, or from, any minor or being owned by any minor, or any stolen property or property which from any cause he may have reason to believe cannot be lawfully or rightfully sold or delivered by the person offering the same, under a penalty of not less than ten dollars nor more than one hundred dollars, for each offense.

DIVISION 7.

Milkmen.

SECTION 1. Milkmen to be licensed—rate, etc.

“ 2. Name of milkman to be placed on vehicle.

“ 3. Adulterated milk, etc.—selling of, prohibited.

SECTION 1. MILKMEN TO BE LICENSED—RATE, ETC.] Every milkman who carries on the business of delivering milk to customers in the city by means of a wagon, cart, or other vehicle, shall take out a license, and pay therefor at the rate

of five dollars per year—each license to expire on the 30th day of April next after the granting thereof. Any milkman who shall exercise his calling within the city as aforesaid, without first obtaining a license as above required, shall be fined for each offense twenty dollars.

§ 2. NAME OF MILKMAN TO BE PLACED ON VEHICLE.] Every milkman licensed in pursuance of section one of this division, shall cause his name to be legibly painted or placed on each vehicle used in his business for the carriage and delivery of milk. Every violation of the requirements of this section shall subject the offender to a penalty of ten dollars.

§ 3. ADULTERATED MILK, ETC.—SELLING OF, PROHIBITED.] Whoever shall sell or offer for sale any milk adulterated with water, or with any other liquid or substance, or any milk produced from any sick or diseased cow, shall, for each offense, be fined not less than ten dollars nor more than one hundred dollars.

DIVISION 8.

Pawnbrokers.

SECTION 1. Pawnbroker defined—license—penalty.

- “ 2. Rate of license—bond.
- “ 3. Pawnbroker to keep book—penalty.
- “ 4. Property of minor—stolen property—penalty.
- “ 5. Time of receiving property.

SECTION 1. PAWNBROKER DEFINED—LICENSE — PENALTY.] Whoever shall loan money on deposit or pledge of personal property, or shall carry on the business of purchasing such property on condition of selling the same back at a stipulated price, without taking a chattel mortgage thereon, duly executed and recorded, as required by law, shall be deemed to be a pawnbroker within the meaning of this ordinance; and every person who shall pursue the calling of a pawnbroker within the city of Bloomington, without first having obtained a license therefor, and executed a bond as hereinafter provided, shall be fined one hundred dollars for each offense.

§ 2. RATE OF LICENSE—BOND.] Pawnbrokers shall pay for license the sum of one hundred dollars per year, or a proportionate sum for any less time, and every such license shall expire on the thirtieth day of April next after the same is issued; and every applicant for such license shall, before receiving the same, execute to the city a bond in the penal sum of three thousand dollars, with two or more good and sufficient securities, residents of the city, conditioned that said

applicant will strictly observe all ordinances of the city touching pawnbrokers, and will pay all fines incurred on account of his failure in that behalf, and that he will pay all damages resulting to any person by reason of his wrongfully purchasing or taking in pledge any stolen property or the property of any minor.

§ 3. PAWNBROKER TO KEEP BOOK—PENALTY.] Every person so licensed shall keep at his place of business a well-bound book prepared for that purpose, in which he shall enter in writing a minute description of all personal property taken, purchased or received as aforesaid, together with the time, and the name and residence (giving number and street, if within the city) of the person leaving the same, which book shall be kept clean and legible. All the entries shall be made in ink, and no entry shall be erased, obliterated or defaced, and the said book shall at all times be subject to the inspection of any city officer. Any pawnbroker violating this section shall be fined one hundred dollars.

§ 4. PROPERTY OF MINOR—STOLEN PROPERTY—PENALTY.] Whoever, being a pawnbroker shall, within the city purchase, take or receive in pledge or on deposit, any article of property of, or from, any minor, or being owned by any minor, or any stolen property or property which from any cause he may have reason to believe cannot be lawfully or rightfully sold, pawned, or pledged, by the person offering it, shall be fined one hundred dollars.

§ 5. TIME OF RECEIVING PROPERTY.] No pawnbroker shall take or receive in pledge, or on deposit, of any person, any article of property, after the hour of nine o'clock in the evening, or before the hour of seven o'clock in the morning of any day, under a penalty of twenty-five dollars.

DIVISION 9.

Porters and Runners.

SECTION 1. License—bond—penalty.
" 2. Rate and time of license.
" 3. License for house—proprietor liable for fine.
" 4. Badge worn—penalty.
" 5. Conduct of porters and runners—penalty.

SECTION 1. LICENSE—BOND—PENALTY.] No person except as hereinafter provided shall pursue the calling of a porter or runner, or solicit the patronage of any traveler or person for any hotel or public house within the city of Bloomington, or solicit passengers upon the streets of said city for the county

fair grounds without first obtaining a license therefor and executing a bond to said city in the penal sum of two hundred dollars, conditioned for the strict observance of all ordinances of the city for the regulation of porters and runners. Every violation of this section shall subject the offender to a penalty of ten dollars.

§ 2. RATE AND TIME OF LICENSE.] License of porters and runners for hotels and public houses shall be charged for at the rate of twelve dollars per year each, and a proportionate sum for each shorter period, and every such license shall expire on the thirtieth day of April next after the granting thereof. Licenses to persons soliciting passengers for the county fair grounds shall be charged for at the rate of two dollars per week, and no license shall be granted for that purpose for a less time than one week.

§ 3. LICENSE FOR HOUSE—PROPRIETOR LIABLE FOR FINES.] The keeper or keepers of any hotel or public house may take out a license for such hotel or house, authorizing the keepers thereof to employ a suitable and well-behaved person to represent such house as a porter or runner, and such person shall then be authorized to act as such without further license, and such porter or runner may then be changed in the discretion of the person or firm holding the license; *Provided*, that in no case shall two or more persons be authorized to act under one license at the same time; and *Provided further*, that the person or persons holding such license shall be liable for any and all fines and penalties incurred by any person acting under the same for violating any ordinance of the city regulating porters and runners.

§ 4. BADGE WORN—PENALTY.] Every porter or runner while about his business shall wear conspicuously on some part of his person a badge, or plate, with the name of the hotel or house for which he is soliciting patronage painted or engraved thereon in legible characters. Any violation of this section shall subject the offender to a penalty of five dollars.

§ 5. CONDUCT OF PORTERS AND RUNNERS—PENALTY.] No porter or runner shall, while pursuing his calling, leave the door of his vehicle, or speak in a loud or boisterous tone or manner, nor use any coarse, profane or obscene language, nor lay hold of any traveler or person, or of any article of baggage, unless by permission of the owner or possessor thereof, nor in any manner vex, harass, disturb or importune any person, nor be guilty of any device, deceit, imposition or false representation in furtherance of his business to the annoyance

or detriment of any person, under a penalty of twenty-five dollars for such offense.

DIVISION 10.

Scavengers.

SECTION 1. Scavenger's license and bond.
 " 2. Rate and time of scavenger's license.
 " 3. Construction of vehicle—penalty.
 " 4. Time of cleaning privy vaults, etc.—penalty.

SECTION 1. SCAVENGER'S LICENSE AND BOND—PENALTY.] No person shall carry on the business of scavenger within the city of Bloomington without first obtaining a license therefor, and executing a bond with securities to said city, conditioned that the person so licensed shall strictly observe all ordinances of the city of Bloomington touching the duties of scavengers, and shall pay all fines and damages incurred by him as such scavenger; and any person violating any provision of this section shall be fined twenty-five dollars for each offense.

§ 2. RATE AND TIME OF SCAVENGER'S LICENSE.] Scavengers shall pay the sum of twenty-five dollars per year for license, or a proportionate sum for any shorter period, and every such license shall expire on the thirtieth day of April next after the granting thereof.

§ 3. CONSTRUCTION OF VEHICLE—PENALTY.] Every vehicle used to transport dung, filth, offal, or any offensive material through the streets of the city, shall be fitted with a tight box, to be so constructed and loaded that no portion of the offensive material therein conveyed shall escape or be scattered or left upon the streets, and when necessary to prevent the escape of offensive odors, such box shall be tightly covered. Any scavenger who shall use in his business any vehicle not of the construction herein specified, or who shall scatter, leave or deposit any filth, offal or offensive material upon any street, alley or common, within the city, shall be fined ten dollars for each offense.

§ 4. TIME OF CLEANING PRIVY VAULTS, ETC.—PENALTY.] No scavenger or other person shall remove the contents of any privy vault, or other material of like offensive character situated within the city at any other time of day than between the hours of ten o'clock in the afternoon of any day and five o'clock in the morning of the day following; and any person undertaking any such job of work shall complete the same without delay. Any person violating this section shall be fined ten dollars.

DIVISION 11.

Shooting Galleries.

SECTION 1. Shooting galleries licensed.
" 2. Rate of license.
" 3. Construction of license.

SECTION 1. SHOOTING GALLERIES LICENSED.] No person shall own, keep or run any shooting gallery or place for target shooting, without first obtaining a license therefor, under a penalty of twenty-five dollars for each offense.

§ 2. RATE OF LICENSE.] The rate of license for shooting galleries and places for target shooting, shall be, for one year, ten dollars; and for any shorter period, the sum of fifty cents per day for the number of days covered by the license.

§ 3. CONSTRUCTION OF LICENSE.] No license shall authorize the firing of any gun or any firearm within the city, in contravention of any ordinance of the city, nor shall it authorize the establishment or keeping of any shooting gallery or place for target practice in any alley of the city, or in, or upon, any uninclosed place, nor shall any such gallery or place for target practice be kept in any alley or uninclosed place within the city, under a penalty of twenty-five dollars.

DIVISION 12.

Shows and Exhibitions.

SECTION 1. Shows and exhibitions to be licensed—penalty.
" 2. Rate of license.
" 3. Other shows—indecent play.

SECTION 1. SHOWS AND EXHIBITIONS TO BE LICENSED—PENALTY.] No circus, menagerie, caravan, theater, concert, minstrel performance, panorama, natural or artificial curiosity, exhibition, show, entertainment or amusement of any kind whatsoever, for the witnessing of which an admission fee is charged, (except the same is given under the auspices and for the benefit of some home association, society or church,) shall be given, exhibited or performed within the city of Bloomington without a license therefor, being first taken out by the person owning, managing or exhibiting the same, under a penalty of one hundred dollars for each such exhibition or performance.

§ 2. RATE OF LICENSE.] The charges for licenses issued under this division shall be as follows:

Circuses, Menageries and Hippodromes.

For one day, - - - - -	\$100.00
For each side show accompanying same, per day, - - - - -	10.00

Theaters, Negro Minstrel Shows and Concerts.

For single exhibition, - - - - -	\$10.00
For two exhibitions, - - - - -	15.00
For three exhibitions, - - - - -	20.00
For six exhibitions, - - - - -	25.00

And for more than six at the same rate.

Panoramas.

For single exhibition, - - - - -	\$5.00
For each additional exhibition, after first, - - - - -	3.00

Provided, That when a panorama is exhibited in connection with a play and accompanied by actors, it shall be charged the same rate as theaters.

§ 3. OTHER SHOWS—INDECENT PLAY.] Every other show or exhibition requiring license and not mentioned in section two hereof, shall be charged at the rate of three dollars per day, or twelve dollars per week: *Provided*, That no license shall be held to authorize the enacting of any lewd or indecent play or exhibition within the city.

DIVISION 13.

Vehicles.

SECTION 1. Vehicles licensed—penalty.

- “ 2. Rate of license.
- “ 3. Number of license painted on vehicle.
- “ 4. Tariff of rates for carrying passengers and property.
- “ 5. Card of rates to be kept in vehicle.
- “ 6. Refusal to transport—extortion—penalty.
- “ 7. Where vehicles shall stand.

SECTION 1. VEHICLES LICENSED—PENALTY.] No person shall keep or use for hire for the carrying of persons or property, within the city of Bloomington, any vehicle of any description or name, without first having obtained a license, under a penalty of ten dollars for each offense. This section shall not apply in the case of livery men hiring out buggies or carriages, or doing the ordinary business incident to their calling.

§ 2. RATE OF LICENSE.] The City Treasurer shall charge for license issued under this division, as follows:

For each omnibus, seven dollars and fifty cents per quarter, or thirty dollars per year.

For each hackney coach or other double carriage used for

conveying passengers, the sum of five dollars per quarter, or twenty dollars per year.

For each cab or other one-horse vehicle used for carrying passengers, the sum of two dollars and fifty cents per quarter, or ten dollars per year.

For each two-horse truck or dray used for the carriage of freight or property, the sum of six dollars per quarter, or twenty-four dollars per year.

For each one-horse dray, cart, city express wagon, and for each common two-horse wagon, the sum of two dollars per quarter, or eight dollars per year.

Yearly licenses shall expire on the thirtieth day of April next after granted; and quarterly licenses shall expire on the last days of April, July, October and January, respectively, after the dates of their issue.

§ 3. NUMBER OF LICENSE PAINTED ON VEHICLE.] Every person keeping or using any vehicle requiring a license shall cause the number of the license of such vehicle to be conspicuously painted or placed upon the same where it can be readily seen, and on refusing or failing so to do shall be fined ten dollars for each week of such refusal or failure. The City Clerk shall procure numbers of the character herein provided for, and issue them without charge to persons receiving licenses.

§ 4. TARIFF OF RATES FOR CARRYING PASSENGERS AND PROPERTY.] Charges for the transportation of persons and property shall not exceed the following rates, to-wit:

For carrying each passenger between any two points within the city, including one trunk and other ordinary baggage, the sum of fifty cents.

For the use of any hackney coach or other two-horse carriage, with driver, by the hour, with the privilege of going from place to place, and stopping as often as desired, the sum of one dollar per hour.

For the use of any cab or other one-horse vehicle, by the hour, with driver, with the privilege of going from place to place, and stopping as often as desired, the sum of fifty cents per hour.

For carrying merchandise or property of any kind between any two points within the city :

Upon two-horse trucks or drays, the sum of one dollar per load.

Upon common two-horse farm wagon, the sum of seventy-five cents per load.

Upon any city express wagon, dray, cart or other one-horse vehicle, the sum of fifty cents per load.

§ 5. CARD OF RATES TO BE KEPT IN VEHICLE.] It shall be the duty of every person owning, using or driving any vehicle requiring a license, to keep within or upon said vehicle a printed card of the tariff of rates fixed in the last preceding section, and any violation of this section shall subject the offender to a penalty of ten dollars.

§ 6. REFUSAL TO TRANSPORT—EXTORTION—PENALTY.] Every person owning, keeping or using any licensed vehicle within the city, who shall refuse to transport any person or property when applied to at the rates fixed in section four of this division, or who shall extort or demand any greater sum for the carrying of any person or property than therein specified, shall be fined ten dollars for each offense.

§ 7. WHERE VEHICLES SHALL STAND.] No hack, carriage or other vehicle used for carrying passengers, shall stand or wait for employment within said city except adjoining the sidewalk upon the north or west side of the court house square; and no dray, cart, truck, or other vehicle used for transporting property shall stand or wait for employment within said city except adjoining the sidewalk upon the south or east side of said square. Any person violating any provision of this section shall be fined five dollars for each offense.

DIVISION 14.

Sundry Avocations.

SECTION 1. INSURANCE COMPANIES LICENSED—TIME—PENALTY.
 “ 2. BILL POSTERS LICENSED—RATE AND TIME—PENALTY.
 “ 3. LUNG TESTERS, ETC., LICENSED.

SECTION 1. INSURANCE COMPANIES LICENSED—TIME—PENALTY.] Every fire, life or accident insurance company doing business within the city of Bloomington, or keeping or having any agent therein for the purpose of soliciting or receiving risks in behalf of said company shall be required to take out a license, and for failure or refusal to do so shall be fined fifty dollars. The rate of license to insurance companies shall be ten dollars per year each, or a proportionate sum for any shorter period, and every license granted hereunder shall expire on the 30th day of April next after the granting thereof.

§ 2. BILL-POSTERS LICENSED—RATE AND TIME—PENALTY.] No person shall engage in the business of bill-posting within said city without first having obtained a license therefor, for

which shall be charged ten dollars per year or a proportionate sum for any shorter period, and every such license shall expire on the 30th day of April next after the granting thereof. Any person who shall pursue the calling of a bill-poster without being licensed as in this section provided, shall be fined ten dollars for each offense.

§ 3. LUNG TESTERS, ETC. LICENSED.] No person shall exhibit any lung tester, lifting apparatus, galvanic battery or other machine, instrument or device, for profit or gain without first obtaining a license, for which shall be paid at the rate of one dollar per day, under a penalty of five dollars for each offense.

CHAPTER X.

LIQUORS.

SECTION 1. Selling liquor without license—rate of license.

- “ 2. Application—license—bond.
- “ 3. Terms and condition of bond—penalty.
- “ 4. Dram-shop defined—license therefor—penalty.
- “ 5. Selling or giving to minor or drunkard.
- “ 6. Dram-shop open on Sunday—time of closing same.
- “ 7. Shifts or devices—intoxicating liquors defined.

SECTION 1. SELLING LIQUOR WITHOUT LICENSE—RATE OF LICENSE.] Whoever by himself or another, either as principal, agent, clerk or servant, shall directly or indirectly sell any spirituous, vinous, mixed, malt or fermented liquors within the city of Bloomington, without first obtaining a license therefor as hereinafter provided, shall upon conviction be fined one hundred dollars for each offense. The rate of license for selling liquor shall be fifty dollars per month.

§ 2. APPLICATION—LICENSE—BOND.] Every application for a license to sell liquor shall state the place where and the person in whose name the business is to be conducted, and the license issued in pursuance thereof shall in its terms be limited to the person and the place so specified. No license shall be granted hereunder for a longer time than one month; and every license shall expire at the end of the month during which it is granted. No such license shall be granted until the applicant shall have given bond, as hereinafter provided.

§ 3. TERMS AND CONDITION OF BOND—PENALTY.] Before receiving a license every applicant shall give bond as provided in section five, chapter forty-three, of the revised statutes of

the State of Illinois, of the year 1874; but in addition to the condition therein prescribed, said bond shall be further conditioned that such applicant will pay all fines, penalties and forfeitures, which may be assessed against him during the continuance of such license for any violation of any provision of the ordinances of said city respecting the sale of liquors. Whoever shall sell any spirituous, vinous, mixed, malt or fermented liquors, without first having given bond as herein provided, shall, on conviction, be fined one hundred dollars for each offense.

§ 4. DRAM-SHOP DEFINED—LICENSE THEREFOR — PENALTY.] Every room or place where for any consideration directly or indirectly paid or received, intoxicating liquor is allowed to be drunk, is hereby declared to be a dram-shop; and whoever shall by himself, agent, clerk or servant, or as the agent, clerk or servant of another, keep any dram-shop within said city without first having obtained a license therefor as above provided, shall, on conviction, be fined one hundred dollars for each offense.

§ 5. SELLING OR GIVING TO MINOR OR DRUNKARD.] Whoever by himself, agent, clerk or servant, or as the agent, clerk or servant of another, shall sell or give any intoxicating liquor to any minor, without the written order of his parent, guardian or family physician, or to any person intoxicated, or who is in the habit of getting intoxicated, shall, for each offense, be fined one hundred dollars.

§ 6. DRAM-SHOP OPEN ON SUNDAY—TIME OF CLOSING SAME.] Whoever shall, within said city, sell any intoxicating liquor on the Sabbath day, or night, or whoever shall on that day keep open any dram-shop, tippling-house or saloon, or any room, or place, where intoxicating liquors are sold or kept for sale on other days of the week, or whoever being the owner or keeper of any such dram-shop, tippling-house, saloon, room or place, shall fail to close the same at the hour of eleven o'clock in the evening of each week day, and keep the same closed until the hour of five o'clock in the morning of the day following, shall, for each offense, be fined one hundred dollars.

§ 7. SHIFTS OR DEVICES—INTOXICATING LIQUORS DEFINED.] The giving away of intoxicating liquor, or other shift or device to evade the provisions of this chapter, shall be deemed to be an unlawful selling within the meaning of the same; and the term intoxicating liquors shall, within the meaning of this chapter, be deemed to include all spirituous, vinous, mixed, malt or fermented liquors, and all mixtures, any part of which is any of said kind of liquor.

CHAPTER XI.

MISDEMEANORS.

DIVISION 1.—OFFENCES AGAINST THE PUBLIC PEACE AND QUIET.

- “ 2.—OFFENCES AGAINST PUBLIC MORALS AND DECENCY.
- “ 3.—OFFENCES AGAINST PUBLIC SAFETY, CONVENIENCE AND HEALTH.
- “ 4.—OFFENCES CONCERNING PROPERTY.
- “ 5.—VAGRANTS.
- “ 6.—OFFENCES AGAINST OFFICIAL AUTHORITY.
- “ 7.—GENERAL PROVISIONS.
- “ 8.—PROCEEDINGS TO RECOVER FINES AND PENALTIES.

DIVISION 1.

Offences against the Public Peace and Quiet.

SECTION 1. Assault—assault and battery, etc.

- “ 2. Disorderly conduct—breach of the peace.
- “ 3. Disturbing peace of city or family.
- “ 4. Traducing—challenging—fighting, etc.
- “ 5. Collecting in crowds, etc.
- “ 6. Disturbing congregation or assembly.
- “ 7. Disturbing funeral.
- “ 8. Sunday labor or amusement.
- “ 9. Carrying weapons.
- “ 10. Judgment entry.
- “ 11. False alarm, etc.

SECTION 1. ASSAULT—ASSAULT AND BATTERY, ETC.] Any person who shall commit an assault, or an assault and battery upon the person of another, or who shall be guilty of an affray within the limits of the city of Bloomington, shall, on conviction, be fined not less than three dollars nor more than one hundred dollars.

§ 2. DISORDERLY CONDUCT—BREACH OF THE PEACE.] Any person who shall be guilty of disorderly conduct, or of making a disturbance, or a breach of the peace within said city, shall, on conviction, be fined not less than one dollar nor more than fifty dollars.

§ 3. DISTURBING PEACE OF CITY OR FAMILY.] Any person who shall disturb the peace and quiet of the city, or of any private family or person, by loud and unusual noise, or by tumultuous or offensive carriage, or by cursing, shouting, hallooing, threatening, or other boisterous or unseemingly conduct, shall, on conviction, be fined not less than three dollars nor more than twenty-five dollars.

§ 4. TRADUCING—CHALLENGING—FIGHTING, ETC.] If any person shall threaten, or traduce another, or shall use any language or indulge in any conduct toward another tending to produce a disturbance of the peace, or shall challenge another to fight, or if any two persons shall agree to fight, or shall, by agreement, actually fight, each person so offending shall, on conviction, be fined not less than two dollars nor more than fifty dollars.

§ 5. COLLECTING IN CROWDS, ETC.] All persons who shall collect in crowds within said city, for unlawful purposes, or for any purpose to the annoyance or disturbance of citizens or travelers, shall be severally subject to a fine of not less than two dollars nor more than twenty dollars, and to a further fine of not less than ten dollars nor more than fifty dollars, upon refusal to disperse after being requested so to do by any city officer.

§ 6. DISTURBING CONGREGATION OR ASSEMBLY.] Any person who shall disturb or disquiet any congregation or assembly met for religious worship, or for any other lawful purpose, by making any noise, or by rude or indecent behavior, or by profane, obscene or improper discourse or conduct within the sight or hearing of such congregation or assembly, shall, on conviction, be fined not less than five dollars nor more than fifty dollars.

§ 7. DISTURBING FUNERAL.] Whoever wilfully interrupts or disturbs a funeral assembly or procession, shall be fined not less than ten dollars nor more than one hundred dollars.

§ 8. SUNDAY LABOR OR AMUSEMENT.] Whoever shall within the limits of said city, disturb the peace and good order of society by labor or amusement on Sunday, (works of necessity and charity excepted,) shall, on conviction, be fined not less than three dollars nor more than twenty-five dollars.

§ 9. CARRYING WEAPONS.] Whoever shall, within said city, carry or wear under his clothes, or concealed about his person, any weapon, shall be fined not less than one dollar nor more than twenty dollars for each offense, and shall, in addition, forfeit to the city of Bloomington the weapon so carried. This section shall not apply to officers carrying weapons in the discharge of their official duties.

§ 10. JUDGMENT ENTRY.] Whenever any person shall be convicted of carrying any weapon in violation of the preceding section, it shall be the duty of the magistrate before whom such conviction is had, to enter upon his docket as a part of the judgment in such cause, the forfeiture of the weapon so carried, which entry may be substantially as follows:

“ And it is further considered by the court, that the said defendant do forfeit and deliver to the city of Bloomington the said weapon, to-wit: (here describe weapon :)” and thereupon the City Marshal shall take possession of such weapon and keep the same, subject to the direction of the City Council.

§ 11. FALSE ALARM, ETC.] Whoever shall make a false alarm of fire, or any false cry for assistance; or whoever shall, without permission of the Mayor, use or employ any device, noise or performance, tending to cause the collection of persons on any street, sidewalk, or other public place, shall be fined not less than ten dollars nor more than fifty dollars.

DIVISION 2.

Offences against Public Morals and Decency.

SECTION 1. Exhibiting jack or stud, etc.

- “ 2. Indecent exposure, etc.
- “ 3. Sale of obscene books, etc.
- “ 4. Having obscene books, etc., in possession.
- “ 5. Obscene play.
- “ 6. Obscene writing or figures.
- “ 7. Disorderly house.
- “ 8. House of ill-fame.
- “ 9. Inmate of bawdy-house, etc.
- “ 10. Gaming house.
- “ 11. Inmate of gaming house—betting.
- “ 12. Lotteries prohibited.
- “ 13. Cruelty to animals.
- “ 14. Drunkenness.

SECTION 1. EXHIBITING JACK OR STUD, ETC.] Whoever shall indecently exhibit any jack or stud, in any street or public place within said city, or shall let any such jack or stud to any mare, except in some inclosed place out of the public view, shall be fined not less than five dollars nor more than fifty dollars.

§ 2. INDECENT EXPOSURE, ETC.] Whoever shall appear in any public place, or in any place exposed to the public view, within said city, in a state of nudity, or in a dress not belonging to his or her sex, or in an indecent or lewd dress, or shall make any indecent exposure of his or her person, or be guilty of any lewd or indecent act or behavior, shall, on conviction, be fined not less than five dollars nor more than fifty dollars.

§ 3. SALE OF OBSCENE BOOKS, ETC.] Whoever shall bring within the limits of said city for the purpose of sale, or shall sell or offer to sell, or shall give away or offer to give away, or shall make, draw, print or publish, within said city, any obscene, indecent, or scandalous book, pamphlet, newspaper, journal, print, publication, slip, paper or writing, of any kind or character, or any obscene, indecent, or scandalous picture, drawing, engraving, card, photograph, model, cast or instrument, or any article of indecent or immoral use, shall, on conviction, be fined not less than fifty dollars nor more than one hundred dollars for each offense.

§ 4. HAVING OBSCENE BOOKS, ETC., IN POSSESSION.] Whoever shall keep or have in his possession, within said city, any of the obscene or indecent articles or things mentioned in the last preceding section, with or without intent to sell or dispose of the same, shall, on conviction, be fined not less than five dollars nor more than fifty dollars.

§ 5. OBSCENE PLAY.] Whoever shall exhibit or perform, or shall assist in exhibiting or performing any indecent, obscene, or lewd play, exhibition or other representation, or shall permit the same to be performed in any building or premises owned or controlled by him, shall be fined not less than fifty dollars nor more than one hundred dollars for each offense.

§ 6. OBSCENE WRITING OR FIGURE.] Whoever shall in any place open to public view, write, mark, draw, cut, or make any obscene or indecent word, sentence, design or figure, shall be subject to a penalty of not less than five dollars nor more than fifty dollars.

§ 7. DISORDERLY HOUSE.] Whoever shall keep a common ill-governed, or disorderly house, shall be fined not less than ten dollars nor more than one hundred dollars.

§ 8. HOUSE OF ILL-FAME.] Whoever shall keep or maintain within said city any bawdy house, house of ill-fame, or any place for the practice of fornication, or shall knowingly permit any building or place owned by him or under his control to be used for that purpose, shall be fined not less than twenty-five dollars nor more than one hundred dollars, and be subject to a further penalty of twenty-five dollars per day for each day such house shall be continued after the first conviction.

§ 9. INMATE OF BAWDY-HOUSE, ETC.] Whoever shall be an inmate of any bawdy-house, house of ill-fame, or of any place for the practice of fornication, or shall in any way contribute to the support thereof, or be connected therewith, or whoever

shall be found therein, shall, for each offense, be fined not less than five dollars nor more than fifty dollars.

§ 10. GAMING HOUSE.] Whoever shall keep or maintain any gaming house or room, or any place where betting is done, within said city, or shall knowingly permit any such house, room, or place to be so kept in or upon any building or premises owned or controlled by him, or whoever shall procure or permit any persons to come together in any house or place occupied or owned by him or under his control, for the purpose of playing for money or other valuable thing at any game, or whoever shall keep or permit to be used in any building or place used, occupied, controlled or owned by such person, any keno table, faro bank, shuffle board, cards, or any other instrument, device, or thing commonly used for the purpose of gaming, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

§ 11. INMATE OF GAMING HOUSE—BETTING.] Whoever shall be an inmate of any gaming house or room, within said city, or shall be in any way connected therewith, or shall frequent the same, or shall be found therein, or whoever shall, within said city, play for money or other valuable thing at any game with cards, dice, checks, billiards, or any other article, instrument, device, or thing whatsoever, or whoever shall bet on any such game when played, or to be played by others, or whosoever shall be guilty of selling pools within said city, shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars for each offense.

§ 12. LOTTERIES PROHIBITED.] Whoever shall maintain, or run, or be in any way connected with, any lottery, or any establishment, enterprise or business, by whatever name the same may be known, wherein any property is sold or disposed of by chance, or whoever shall permit any such lottery, establishment, enterprise or business in any building or premises owned or controlled by him, or whoever shall, within said city, sell or dispose of any lottery ticket or share, or any chance, or any article or thing entitling or purporting to entitle the purchaser thereof to any chance, or whoever shall within said city sell or dispose of any package or article purporting to contain a prize, or where, as an inducement to purchase, it is held out that such article or package may contain a prize, or may entitle the purchaser to some article or thing of value not directly contemplated and known in the purchase, shall, on conviction, be fined not less than twenty dollars nor more than one hundred dollars for each offense.

§ 13. CRUELTY TO ANIMALS.] Whoever shall in any manner or by any means be guilty of cruelty to any dumb animal, or shall be guilty of turning out and abandoning any old, decrepit, or worthless animal upon the public streets or commons, shall be fined not less than five dollars nor more than one hundred dollars.

§ 14. DRUNKENNESS.] Whoever shall be drunk, or shall be in a state of intoxication in any public place within said city, or in any private house or place to the annoyance of any person, shall be fined not exceeding twenty-five dollars.

DIVISION 3.

Offenses Against Public Safety, Convenience and Health.

SECTION 1. FIRING GUNS, FIRE-CRACKERS, ETC.

- " 2. Immoderate driving.
- " 3. Poison—failing to mark.
- " 4. Dangerous sports—kite-flying.
- " 5. Scaring horses, etc.
- " 6. Leaving animals unfastened.
- " 7. Runaway horses, etc.
- " 8. Vehicles to pass to the right—penalty.
- " 9. Weighing of gunpowder—kerosene.
- 10. Vicious animals at large
- " 11. Placing or occupying chairs in aisles.
- " 12. Wilfully turning stream of water upon any person.
- " 13. Unwholesome provisions.
- " 14. Bringing smallpox, etc., into city.
- " 15. Nurse not to go upon streets, etc.
- " 16. Attending physician.
- " 17. Removal of patients—duty of health officer or Marshal—placards, etc.

SECTION 1. FIRING CANNON, GUNS, FIRE-CRACKERS, ETC.] Whoever shall fire or discharge any cannon, gun, pistol, revolver, or any firearm of any description, or shall fire, explode or set off any squib, fire-cracker, torpedo, or other thing containing powder, or other explosive material, without permission from the Mayor or City Council so to do, shall be fined not less than two dollars nor more than twenty dollars. Such permission, when given, shall definitely limit the time of such firing, and may at any time be revoked.

§ 2. IMMODERATE DRIVING.] Whoever shall immoderately ride or drive any horse, mule or other animal, in any avenue, street or alley of said city, or whoever shall wilfully or heedlessly drive any such animal, so that such animal or any vehicle attached thereto shall come in collision with any other vehicle, or shall strike against any person, shall be fined not less than ten dollars nor more than one hundred dollars.

§ 3. POISON—FAILING TO MARK.] Whoever shall knowingly deliver to another any deadly poison without legibly marking the same with the word "poison," shall be fined not less than five dollars nor more than fifty dollars.

§ 4. DANGEROUS SPORTS—KITE-FLYING.] Whoever shall, within the streets of said city, engage in any sport, amusement or exercise likely to scare horses or embarrass the passage of vehicles, or whoever shall raise or fly any kite in any part of said city devoted to business, shall be fined not less than one dollar nor more than twenty dollars.

§ 5. SCARING HORSES, ETC.] Whoever shall by any means, either wilfully or for want of reasonable care frighten any horse, mule or other animal, being at the time attached to any vehicle, or in charge of any person, shall be fined not less than five dollars nor more than fifty dollars.

§ 6. LEAVING ANIMALS UNFASTENED.] Whoever shall leave any horse, mule or other animal, attached to any vehicle or conveyance, in any uninclosed place without being securely fastened or guarded, shall be fined not less than three dollars nor more than twenty dollars.

§ 7. RUNAWAY HORSES, ETC.] No person shall take or have upon any street of said city any horse, mule or team attached to any vehicle, the same being unmanageable or having a known propensity to run away, or being in the habit of running away, under a penalty of not less than ten dollars nor more than fifty dollars.

§ 8. VEHICLES TO PASS TO THE RIGHT—PENALTY.] Any person driving any vehicle upon any street or thoroughfare of said city shall, upon meeting any other vehicle, turn off and pass to the right, and for each violation hereof the person offending shall be fined not less than five dollars nor more than one hundred dollars; *Provided*, that where any street railway track is, or may be laid in any street, each side thereof shall be considered a street within the meaning of this section.

§ 9. WEIGHING OF GUNPOWDER—KEROSENE.] No person shall by gas-light, lamp-light, or any artificial light, weigh any gunpowder or gun-cotton, or draw any kerosene oil or burning fluid from any cask or barrel, under a penalty of not exceeding twenty-five dollars for each offense.

§ 10. VICIOUS ANIMAL AT LARGE.] Whoever being the owner of, or having in his charge any vicious animal, shall permit the same to go at large in any public street or place within said city, shall be fined twenty-five dollars, and each day or part day of running at large shall constitute a separate offense. It shall be no defense to an action under this section, that the defendant did not know the vicious character of the animal, or did not mean or intend such animal to go at large; but proof of viciousness and of running at large, shall be sufficient to warrant a conviction.

§ 11. PLACING OR OCCUPYING CHAIRS IN AISLES.] Whoever shall place or occupy any chair or seat in any aisle or passage way of any church, hall or other public building, during the time of any meeting or assembly of persons therein, shall be fined not less than three dollars nor more than twenty dollars, for each chair or seat so placed or occupied.

§ 12. WILFULLY TURNING STREAM OF WATER UPON ANY PERSON.] Whoever shall wilfully turn a stream of water from any fire hose upon any person, or upon any private premises, on the occasion of any exhibition or tournament, shall be fined not less than five dollars nor more than twenty dollars.

§ 13. UNWHOLESOME PROVISIONS.] Whoever shall sell, or expose for sale, within the city, any article of provision or food whatever, other than fresh meat, which from any cause may be unwholesome, or unfit for food, shall be fined not less than ten dollars nor more than one hundred dollars.

§ 14. BRINGING SMALLPOX, ETC., INTO THE CITY.] Whoever shall bring into said city any person having the smallpox, or other infectious or contagious disease, or any garment, article of apparel, or other thing infected with smallpox, or other infectious or contagious disease, shall be fined not less than twenty dollars nor more than one hundred dollars.

§ 15. NURSE NOT TO GO UPON THE STREET, ETC.] No person attending on any person having the smallpox, or other deadly, contagious disease, as nurse, or otherwise, (excepting as attending physician) shall, while in such attendance, go upon any street, or other public place in said city, under a penalty of not less than ten dollars nor more than fifty dollars for each offense.

§ 16. ATTENDING PHYSICIAN.] No physician, who may be attending upon any patient having the smallpox, or other deadly, contagious disease, shall leave the house, or go upon the street after a visit to such patient's bedside, without changing his clothing, under a penalty of not less than five dollars nor more than fifty dollars for each offense.

§ 17. REMOVAL OF PATIENTS—DUTY OF HEALTH OFFICER OR MARSHAL—PLACARDS, ETC.] When any case of smallpox, or other fatal contagious disease shall occur within said city, it shall be the duty of the person at whose house the same may occur, to notify the Health Officer thereof, or if there be no Health Officer on duty, then the City Marshal; and if the patient be at any hotel, railroad depot, or other public house or place, it shall be the duty of the Health Officer or Marshal to remove such patient to some place to be designated by the Mayor or Board of Health, where danger from contagion

will be avoided, and there provide for the custody, medical treatment, and nursing of such patient; and it shall be the further duty of said Marshal to cause a placard to be posted at or near the front door of every private house within said city during the prevalence of smallpox, or other fatal contagious disease therein. Any person violating any provision of this section, or failing to perform any duty herein imposed, shall be fined not less than ten dollars nor more than one hundred dollars.

DIVISION 4.

Offenses concerning Property.

SECTION 1. Injury to pavement, etc.—obstructing public improvement.

- “ 2. Injury to bridges, buildings, etc.
- “ 3. Driving upon sidewalk or lawn.
- “ 4. Placing rubbish on sidewalk or street.
- “ 5. Suffering snow to remain on sidewalk or footway.
- “ 6. Suffering ice or dirt to remain on sidewalk or footway.
- “ 7. Feeding animals within fire limits or on paved street—turning same into public inclosure.
- “ 8. Hitching animal to tree, lamp-post, etc.—injury to same.
- “ 9. Throwing stones, etc.
- “ 10. Trespass to private premises.
- “ 11. Lighting or extinguishing street lamps, etc.
- “ 12. Taking water from city cisterns or wells.
- “ 13. Vehicles standing on streets.
- “ 14. Getting upon cars while in motion.
- “ 15. Ball playing upon public grounds.
- “ 16. Obstructing streets, sidewalks, etc.
- “ 17. Driving vehicle over fire hose.
- “ 18. Digging and removing earth from street, etc.
- “ 19. Market place for hay, straw, wood, etc.
- “ 20. Excavations in streets and alleys.

SECTION 1. INJURY TO PAVEMENT, ETC.—OBSTRUCTING PUBLIC IMPROVEMENT.] Whoever shall tear up or injure any pavement, sidewalk, crosswalk, drain or sewer, or shall hinder or obstruct the making or repairing of the same, or of any other public work or improvement being done under city authority, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

§ 2. INJURY TO BRIDGES, BUILDINGS, ETC.] Whoever shall wantonly destroy, injure, mark or write upon, or otherwise deface any bridge or its appurtenances, or any engine house, building, hitching-post, awning, fence, railing, or other property, public or private, not being his own, within said city, shall be fined not less than one dollar nor exceeding one hundred dollars.

§ 3. DRIVING UPON SIDEWALK OR LAWN.] Whoever shall lead, drive or ride any horse, mule, or other like animal, upon or over any lawn or sidewalk in said city, except at the en-

trance to some building or premises, or shall suffer any such animal or any vehicle thereto attached, to be or remain upon any such sidewalk or any crossing, to the obstruction of travel thereon, shall be fined not exceeding ten dollars.

§ 4. PLACING RUBBISH ON SIDEWALK OR STREET.] Whoever shall place upon any sidewalk, paved street, or any gutter of any street within said city, any straw, dirt, filth, ashes, chips, shells, paper, or other rubbish, or whoever shall place upon any unpaved street any article of rubbish aforesaid, excepting ashes, shall be fined not less than one dollar nor more than ten dollars, and be subject to a like penalty for every twelve hours such rubbish shall be suffered to remain after notice from any city officer to remove the same.

§ 5. SUFFERING SNOW TO REMAIN ON SIDEWALK OR FOOTWAY.] Whoever being the occupant of any occupied premises, or the owner of any vacant premises, shall suffer any snow to remain on any sidewalk or footway adjacent thereto, longer than six hours from the time the same ceases falling, or, if the cessation be in the night time, then longer than six hours after sunrise on the next morning, shall be fined five dollars, and be subject to a like penalty for each day such snow so remains after the first penalty has been incurred.

§ 6. SUFFERING ICE OR DIRT TO REMAIN ON SIDEWALK OR FOOTWAY.] Whoever shall suffer any ice or dirt to remain upon any sidewalk or footway owned or occupied by him, longer than six hours after the same has frozen or been placed there, shall be fined five dollars, and be subject to a further penalty of five dollars per day for each day the same remains after the first penalty has been incurred.

§ 7. FEEDING ANIMALS WITHIN FIRE LIMITS OR ON PAVED STREET—TURNING SAME INTO PUBLIC INCLOSURE.] Whoever shall feed any horse, mule, or other animal, upon any street of the city within the fire limits, as the same are now or may hereafter be defined, or upon any paved street, or shall turn any such animal into any public park, square, or inclosure, shall be fined not exceeding ten dollars.

§ 8. HITCHING ANIMAL TO TREE, LAMP-POST, ETC.—INJURY TO SAME.] Whoever shall hitch or fasten any horse or other animal to any ornamental or shade tree or shrub, or to any lamp-post, fence or railing, or shall by any other means wilfully injure the same, shall be fined not less than three dollars nor more than fifty dollars.

§ 9. THROWING STONES, ETC.] Whoever shall throw or cast any stone, brick, club, snow-ball, or other missile, at, against,

or upon, any tree, building, or other property, shall be fined not exceeding twenty-five dollars.

§ 10. TRESPASS TO PRIVATE PREMISES.] Whoever shall be found trespassing upon the premises of another within said city, shall be fined not exceeding twenty-five dollars.

§ 11. LIGHTING OR EXTINGUISHING STREET LAMPS, ETC.] Whoever, without authority, shall light or extinguish any public or street lamp, or shall turn the gas on or off in the same, or in any manner interfere therewith, shall be fined not less than five dollars nor exceeding twenty-five dollars.

§ 12. TAKING WATER FROM CITY CISTERNS OR WELLS.] Whoever not being a member of the fire department, shall take water from any city cistern or well, except for the purpose of extinguishing fire, shall be fined ten dollars for each offense.

§ 13. VEHICLES STANDING ON STREETS.] Whoever shall leave any sled, wagon, cart, dray, or other vehicle not in use, standing in or upon any street or alley of said city, to the obstruction of travel thereon, shall, for each offense, be fined not exceeding ten dollars.

§ 14. GETTING UPON CARS WHILE IN MOTION.] Whoever not being an employe or passenger on any railroad car, engine, or tender, shall get upon, or hold on to the same while in motion, shall be fined five dollars.

§ 15. BALL PLAYING UPON PUBLIC GROUNDS.] Whoever shall play at ball, cricket, or any other game, or play in any street, alley or other public ground or place within said city, shall be fined not exceeding fifteen dollars: *Provided*, That pupils in actual attendance on any city school may play at games upon grounds owned or occupied by the city for school purposes, subject, however, to the discipline and regulations of the school which they attend.

§ 16. OBSTRUCTING STREET, SIDEWALK, ETC.] Whoever shall in any manner or by any means not specifically named in any other section of the ordinances of said city, obstruct any street, highway, avenue, alley, crossing, sidewalk, or other public passage-way of said city, shall be fined not less than two dollars nor more than fifty dollars, and be subject to a further penalty of three dollars per day for each day such obstruction is suffered to continue after a conviction, or after notice to remove the same given by any officer of said city.

§ 17. DRIVING VEHICLE OVER FIRE HOSE.] Whoever shall drive any vehicle over any hose of the fire department laid for use upon any street or alley, except at a point where such hose is protected by wooden railings laid along side thereof, or otherwise, shall be fined not less than five dollars nor more than fifty dollars.

§ 18. DIGGING AND REMOVING EARTH FROM STREETS, ETC.] Whoever shall, without a written permission from the Mayor, Street Commissioner, or City Council, dig, remove, or carry away, or cause or procure the same to be done, any sod, stone, earth, sand or gravel, from any street, alley, or public ground in this city, shall be fined not less than five dollars nor more than fifty dollars for each load or parcel so removed. No permission shall protect any person arraigned for violation hereof, unless the particular locality from which the material is to be removed is specified therein, and it appears that the person arraigned has strictly followed the terms of his permission. *Provided, however,* That work done under authority of the city shall in no case be construed as a violation of this section.

§ 19. MARKET PLACE FOR HAY, STRAW, WOOD, ETC.] The market place for hay, straw, sheaf oats and like articles, shall hereafter be upon East street, between North and Market streets, and the market place for wood shall be upon East street, between North and Washington streets. Any person who shall have or keep any vehicle loaded with hay, straw, sheaf oats, or other like articles, or with wood standing upon any street other than the place set apart in this section, as the proper market place therefor, shall be fined five dollars for each offense.

§ 20. EXCAVATIONS IN STREETS AND ALLEYS.] No person shall make any excavation in any public street or alley of the city of Bloomington, except upon permission obtained therefor, as herein provided; that is to say: The person desiring to make such excavation shall file with the City Clerk a statement in writing showing where and for what purpose such excavation is to be made, and thereby stipulating and agreeing to keep the said excavation properly guarded and protected, so as to prevent accidents, and also to repair such street or alley as soon as practicable, and to leave the same in as good condition as it was found; and thereupon said Clerk shall issue a permit to such applicant in accordance with the terms of such statement. Any person who shall make any excavation in any street or alley of said city, without first obtaining permission as required in this section, or who shall fail or refuse to perform any agreement or stipulation filed with the City Clerk, as herein required, shall be fined not less than five dollars nor more than one hundred dollars: *Provided,* That persons desiring to make frequent excavations may obtain a permit in accordance with the foregoing provisions for the term of one year.

DIVISION 5.

Vagrants.

SECTION 1. Vagrant defined.

- “ 2. Penalty for vagrancy.
- “ 3. Second offense—penalty.

SECTION 1. VAGRANT DEFINED.] A vagrant is hereby defined to be:

First—Any person found within said city idly loitering or rambling about without visible means of support.

Second—Any person not having a fixed business or employment, who habitually stays in or frequents groceries, dram-shops, drinking saloons, houses of ill-fame, gambling houses, houses of bad repute, railroad depots, post-office and street corners, or fire engine houses.

Third—Any person found trespassing in the night-time upon the premises of another.

Fourth—Any person being the keeper, exhibitor of, or visitor at, any gaming table, gambling-house, house for fortune-telling, place for cock-fighting, or other place of device.

Fifth—Any person who goes about for the purpose of gaming or watch-stuffing.

Sixth—Any person who shall have in his possession any article or thing used for obtaining money under false pretenses.

Seventh—Any one belonging to that class of persons who habitually go about from one place to another without permanent residence or business, depending for subsistence upon begging and pilfering, and who are commonly known as “tramps” and “dead-beats.”

§ 2. PENALTY FOR VAGRANCY.] Whoever shall be convicted of being a vagrant as above defined, shall be fined not less than five dollars nor more than fifty dollars, and be imprisoned until the fine and costs be paid, and in default of prompt payment of any fine assessed for vagrancy, the person convicted shall be compelled to labor upon the streets of said city, for which work he shall receive credit upon such fine and costs at the rate of one dollar per day, until such fine and costs shall be worked out.

§ 3. SECOND OFFENSE—PENALTY.] Whoever shall be convicted of vagrancy two or more times, within the city of Bloomington, shall, for each conviction after the first, be fined fifty dollars, and be subject to all the further provisions de-

nounced against vagrants in the preceding sections of this division, and before releasing any person in custody for vagrancy, it shall be the duty of the City Marshal to acquaint such person with the provisions of this section.

DIVISION 6.

Offenses Against Official Authority.

SECTION 1. **Falsely personating officer, etc.**
" 2. **Resisting or delaying officer.**
" 3. **Assisting prisoner to escape.**
" 4. **Refusing to assist policeman.**

SECTION 1. FALSELY PERSONATING OFFICER, ETC.] Whoever shall falsely represent himself to be an officer of the city of Bloomington, or shall, without authority, exercise or attempt to exercise any of the powers, duties, or functions of any such officer, or whoever not being a member of the police force of said city shall wear, or have in his possession, any policeman's star, or badge, with intent thereby to pass himself as a policeman, or any policeman's whistle, unless obtained from the City Marshal, shall be fined not less than twenty dollars nor more than one hundred dollars.

§ 2. RESISTING OR DELAYING OFFICER.] Whoever shall wilfully resist, hinder or delay, any city officer in the discharge of any official act or duty, or shall neglect or refuse to obey any lawful order or direction of any such officer, where no penalty is fixed for such offense, shall be fined not less than twenty dollars nor more than one hundred dollars.

§ 3. ASSISTING PRISONER TO ESCAPE.] Whoever shall rescue or attempt to rescue any person from the custody of any city officer, or other person legally having him in charge, or shall aid, or attempt to aid, in any escape of any person from any such custody, or from any city prison, or shall advise or encourage any such escape, or whoever shall supply any such person, so being in such custody, or prison, with any weapon, or with any implement or means of escape, or with any intoxicating liquor, shall be fined not less than fifty dollars nor more than one hundred dollars.

§ 4. REFUSING TO ASSIST POLICEMAN.] It shall be the duty of every male person within said city, when requested or called upon by any member of the police department, to render prompt aid to such member in making any arrest, or in the execution of any official duty, and whoever shall refuse or neglect to give such aid, when so called upon, shall be fined not less than ten dollars nor more than one hundred dollars.

DIVISION 7.

*General Provisions.***SECTION 1. Attempt to commit offense.**

- " 2. Accessories, etc.
- " 3. Penalty for offenses not otherwise provided for.
- " 4. Policemen to arrest stragglers at night.
- " 5. Boys abroad at night.
- " 6. Marshal to enter gaming house or house of ill-fame.

SECTION 1. ATTEMPT TO COMMIT OFFENSE.] Whoever attempts to commit any offense prohibited by ordinance, and does any act towards it but fails, or is intercepted, or prevented in its execution, where no express provision is made by ordinance for the punishment of such attempt, shall, on conviction, be fined not less than five dollars nor exceeding one hundred dollars.

§ 2. ACCESSORIES, ETC.] Whoever aids, abets, assists, advises, or encourages the commission of any act prohibited by ordinance, or by any indirect means procures any such offense to be committed, or whoever commits an offense through the intervention of an agent, or servant, or person under his control, shall be deemed guilty to the same extent, and may be proceeded against in the same manner as though such offense had been committed by him directly, and with his own hand; and any such agent, servant or other person, doing any prohibited act for, and on behalf of another, shall be deemed guilty of such act, equally with his employer or principal.

§ 3. PENALTY FOR OFFENSES NOT OTHERWISE PROVIDED FOR.] Where the doing of any act is prohibited by any ordinance of said city, or where any act or thing is by any such ordinance enjoined on any person as a duty, and no penalty for the violation of such ordinance is imposed, every such violation is hereby declared to be a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars.

§ 4. POLICEMEN TO ARREST STRAGGLERS AT NIGHT.] Members of the police department shall have a right to demand of every person found abroad in said city after eleven o'clock at night, the reason why, and the business on which such person is abroad, and if such person shall fail or refuse to give a good account of himself, and satisfactorily answer for being so abroad, he shall be subject to a penalty not exceeding one hundred dollars, and if such officer shall be satisfied that the public good requires it, he shall (first having explained his

official character) arrest and detain such person for further examination ; the object of this section being to protect the city from house-breakers, robbers, and other disorderly persons.

§ 5. BOYS ABROAD AT NIGHT.] It shall be unlawful for any boy under the age of sixteen years, to be abroad in said city between the first day of April and the first day of October, in any year, after the hour of ten o'clock at night, or during the rest of any year, after nine o'clock at night, unless accompanied by some grown person having him in charge, or unless by permission or command of his parent or guardian ; and any such boy so found abroad, shall be fined not exceeding ten dollars, and it shall be the duty of any policeman, seeing any such boy so at large, to demand his authority therefor, and on failure to receive a satisfactory answer, he shall immediately arrest such boy, and confine him in the city calaboose until the next morning, for examination.

§ 6. MARSHAL TO ENTER GAMING HOUSE OR HOUSE OF ILL-FAME.] It shall be lawful for the City Marshal or Captain of Night Police, at any hour of the day or night, to enter, by necessary force, and without warrant, into any premises, house or room, kept as a common gaming house, house of ill-fame, or other unlawful house, or into any house or room which he may have good reason to believe is so kept, taking with him such policemen or persons as he may think necessary, and there seize upon and destroy all instruments for gaming found therein ; and it shall be his duty to arrest all the inmates of such house, room or place, and take them forthwith, or as soon as may be, before the proper tribunal of said city, for trial.

DIVISION 8.

Proceedings to Recover Fines and Penalties.

SECTION 1. Actions to be in name of city—security for costs.

- " 2. Fines recovered by action of debt.
- " 3. When warrant shall be issued.
- " 4. Form of affidavit.
- " 5. Continuance—recognition.
- " 6. Name of defendant—magistrate to place true name upon docket.
- " 7. Defective process—amendments.
- " 8. When process unnecessary—bill of particulars.
- " 9. Trial by jury.
- " 10. Duties of officer making arrest.
- " 11. Defendant failing to appear.
- " 12. Defendant kept in custody till fine is paid.
- " 13. Execution—form, etc.
- " 14. Duty of officer in charge of prisoner.
- " 15. Prisoner escaping—fine not worked out.
- " 16. Appeals.

SECTION 1. ACTIONS TO BE IN NAME OF CITY—SECURITY FOR COSTS.] In every action brought for the recovery of any fine,

forfeiture or penalty incurred by the violation of any ordinance of the city, the city of Bloomington shall be plaintiff, and the suit shall be instituted and conducted in the name and for the benefit of said city; and in no such case shall security for costs be required to be given; nor shall any cost in any proceeding be taxed against said city.

§ 2. FINES RECOVERED BY ACTION OF DEBT.] Whenever any fine, forfeiture, or penalty, shall be incurred by any person by reason of the violation of any ordinance of said city, the same may be sued for and recovered by said city in a proceeding in the nature of an action of debt before any police magistrate of said city or other competent tribunal, which action may be commenced (except as hereinafter provided) by the issuing of a summons like the summons required by the Statutes of Illinois, to be issued by justices of the peace in actions of debt, and such cause shall be conducted when not herein otherwise provided, in like manner as civil causes before justices.

§ 3. WHEN WARRANT SHALL BE ISSUED.] Whenever an affidavit shall be made before any police magistrate or a proper justice of the peace, showing that any person has been guilty of violating any penal ordinance of the city of Bloomington, and specifying the offense, the magistrate or justice before whom the same is made shall forthwith issue a warrant for the arrest of the party accused, directed to the City Marshal or any policeman of the city to execute, which warrant shall be executed by such officer by taking the body of the defendant and bringing him forthwith before such magistrate or justice, or in case of his absence or inability to act before any other magistrate or justice within said city having jurisdiction over the offense, and upon the return of said warrant executed, such magistrate shall proceed to try the cause, unless the same shall, for good cause, be continued.

§ 4. FORM OF AFFIDAVIT.] The affidavit provided for in the preceding section may be substantially in the following form:

STATE OF ILLINOIS, }
COUNTY OF MCLEAN, } ss.
City of Bloomington.

____ makes complaint upon oath, and says that at said city, on or about the _____ day of _____, A. D. 18____, and on divers other days and times, within eighteen months prior to the commencement of this suit, one _____ did (here insert offence.) Contrary to the ordinances of said city, in such case made and provided.

Subscribed and sworn to before me, this _____ day of _____, 18____.

Police Magistrate.

§ 5. **CONTINUANCE—RECOGNIZANCE.]** When from the absence of material witnesses or other good cause, it is not practicable to try any defendant arrested upon warrant forthwith, the magistrate shall adjourn the hearing to some suitable time, not exceeding five days, unless by consent of the defendant; and in the event of such adjournment, the defendant shall give satisfactory bail for his appearance at the time and place to which such cause may be adjourned, and in default thereof, shall be committed to the city prison or the county jail for safe keeping, until the time fixed for his trial.

§ 6. **NAME OF DEFENDANT—MAGISTRATE TO PLACE TRUE NAME UPON DOCKET.]** If the name of any defendant is unknown, he may be designated by any description or circumstance by which he can, with reasonable certainty, be identified; and if upon arrest he refuses to disclose his true name, he may be tried and convicted by the designation used in the warrant; but where the true name of any defendant is known to the magistrate, or can be ascertained by him, it shall be the duty of such magistrate to place the same upon his docket, and for every failure so to do, he shall be fined ten dollars.

§ 7. **DEFECTIVE PROCESS—AMENDMENTS.]** No suit commenced by the city shall be dismissed or continued, or any prisoner discharged on account of any defect or informality in the process by which the defendant is brought into court, or by reason of any insufficiency of the affidavit on which any warrant is issued; but the court may, on motion, allow an amendment of any such process or affidavit, at any time pending the proceedings.

§ 8. **WHEN PROCESS UNNECESSARY—BILL OF PARTICULARS.]** No process shall be necessary when any defendant is legally arrested without warrant and brought before the court; but in all cases of trials for breaches of ordinances, in which no written affidavit is filed as above provided, it shall be the duty of the attorney, or other officer or person prosecuting, on demand of the defendant, to file a written statement in the nature of a bill of particulars, setting forth the amount claimed and the nature of the violation for which the penalty is claimed.

§ 9. **TRIAL BY JURY.]** In any prosecution under the city ordinances, the defendant may have the cause tried by a jury if he shall so demand before the trial is entered upon, and will first pay the fees of the jurors. The number impanelling, and qualifications of jurors, shall be governed by the Statutes of Illinois appertaining to like proceedings before justices of the peace.

§ 10. DUTIES OF OFFICER MAKING ARREST.] All officers making arrests, shall attend as witnesses at the trial of offenders when required, and shall procure all the evidence in their power, and furnish a list of the witnesses in each cause to the court or City Attorney.

§ 11. DEFENDANTS FAILING TO APPEAR.] When any defendant duly summoned or who may have given bail for his appearance as provided in section four of this division, shall fail to appear at the time the suit is set for trial, the magistrate shall hear the testimony and shall render such judgment as the facts in the case will warrant.

§ 12. DEFENDANT KEPT IN CUSTODY UNIL FINE IS PAID.] Upon rendering judgment for any fine, forfeiture or penalty for the violation of any ordinance of the city of Bloomington, the magistrate or justice before whom conviction is had shall require immediate payment of such judgment, and shall make an order that the defendant stand committed until the fine and costs are paid, which order shall be entered upon the docket of such magistrate or justice as a part of the judgment in the cause, and the defendant, if present, shall not be permitted to depart from custody except upon payment of such judgment or upon filing an appeal bond with good security, to be approved by the court, as provided in the statutes of the State of Illinois, for the taking of appeals from justices of the peace.

§ 13. EXECUTION—FORM, ETC.] If such judgment be not forthwith paid, or an appeal taken, the court rendering the same shall issue an execution, under his hand and seal, which may be substantially in the following form, to-wit:

STATE OF ILLINOIS, }
COUNTY OF MCLEAN, } ss. *The People of the State of Illinois.*
City of Bloomington. }

To the Marshal or any Policeman of the city of Bloomington,
Greeting:

WHEREAS, The city of Bloomington did, on the _____ day of _____, 18____, obtain a judgment before the undersigned, a police magistrate of said city, (or a justice of the peace of said county, as the case may be) against (here insert name of defendant) for the violation of an ordinance of said city, for the sum of (here insert the amount of fine) debt, and (here insert amount of costs) costs, in this behalf. These are therefore to command you to levy the said debt and costs, of the goods and chattels of the said (here insert name of defendant) within the city of Bloomington, and expose the same to

sale, agreeably to law; and for want of sufficient property wherewith to levy and satisfy the said debt and costs to be forthwith turned out to you, you are hereby commanded to take the body of the said (here insert name of defendant) and commit him to the prison of said city, or the jail of said county, there to remain twenty-four hours for every dollar contained in the amount of said fine and costs: Or you may arrest the said (here insert name of defendant) and require him to labor upon the streets of said city, at the rate of one dollar per day, until the whole amount of said fine and costs is worked out; and you are also hereby commanded to make return of this writ within twenty days from the date hereof, with your return thereon, showing how you have executed the same.

Given under my hand and seal, this —— day of —— A. D., 18—.

—, [L. S.]
Police Magistrate.

The officer receiving such writ, shall execute the same by doing as therein directed.

§ 14. DUTY OF OFFICER IN CHARGE OF PRISONER.] In all cases, where the same is practicable, prisoners failing to pay fines, shall be compelled to work them out, as above provided, and the officer or person having charge of any such prisoner, shall cause him to labor diligently and faithfully, and shall only give him credit for the time actually worked. Such prisoner shall be returned to the city prison at noon and night, until discharged, when the person having him in charge, shall give him a statement of the time labored on the streets, and he shall also make a return of the same to the court assessing the fine:

§ 15. PRISONER ESCAPING—FINE NOT WORKED OUT.] If any prisoner shall escape before his fine is worked out, or without having remained in prison the length of time above required, he may be re-arrested and caused to work or serve out the remainder of his fine; and where any prisoner is discharged without having paid or worked out his fine, as herein required, although he may have remained in prison the time specified in section thirteen hereof, such fine shall still stand unsatisfied against him, to be made on execution, if possible.

§ 16. APPEALS.] Appeals may be taken from judgments rendered under this chapter, in like manner, and upon like conditions, as may be done under the statutes of the State of Illinois, from judgments of justices of the peace.

CHAPTER XII.

NUISANCES.

DIVISION 1.—ENUMERATION AND PUNISHMENT OF NUISANCES.

“ 2.—ABATEMENT OF NUISANCES.

DIVISION 1.

Enumeration and Punishment of Nuisances.

SECTION 1. Hog and cattle stables and pens—when nuisance.

- “ 2. Suffering manure to accumulate—placing same on street.
- “ 3. Gunpowder and gun-cotton—when nuisance.
- “ 4. Storage of tar, pitch, etc.—when nuisance.
- “ 5. Bills and placards.
- “ 6. Dairies prohibited.
- “ 7. Suffering premises to become foul.
- “ 8. Streams, gutters, ravines, etc.—obstruction of.
- “ 9. Green or salted hides—when nuisance.
- “ 10. Foul liquids discharged upon streets or premises.
- “ 11. Slops, filth, dead animals, etc.
- “ 12. Throwing filth in well or cistern.
- “ 13. Bill-boards—when nuisance.
- “ 14. Gates opening over street or sidewalk.
- “ 15. Slack and refuse coal—nuisance.
- “ 16. Soap factories and other offensive establishments.
- “ 17. Slaughtering establishments, etc.—when nuisance.
- “ 18. Curbling—when nuisance.
- “ 19. Trap-doors, gratings, etc.—dangerous sidewalks.
- “ 20. Failure to refill ditches, etc., or to guard same.
- “ 21. Erecting unsafe scaffold.
- “ 22. Unsafe signs, awnings, etc.
- “ 23. Wooden awnings and awnings with supports.
- “ 24. Obstructions, excavations, etc.—nuisance.
- “ 25. Coal vaults and other excavations—when nuisance.
- “ 26. Unsafe buildings, etc.—nuisance,
- “ 27. Council may notify persons building to stop.

SECTION 1. HOG AND CATTLE STABLES AND PENS—WHEN NUISANCE.] Whoever shall keep, use or maintain, within the city of Bloomington, any pen, stable, lot, place, or premises, in which any hogs, cattle, or fowls, may be confined or kept in such manner as to be nauseous, foul, or offensive, or as from any cause to be an annoyance to any community, family or person, shall be deemed guilty of a nuisance, and on conviction, be fined not less than five dollars, nor more than fifty dollars.

§ 2. SUFFERING MANURE TO ACCUMULATE—PLACING SAME ON STREET.] Whoever shall suffer to accumulate on any premises owned or controlled by him, any heap or stack of manure, in such manner as to emit noxious, disagreeable or offensive smells, to the annoyance or detriment of any person or family, or whoever shall place any such manure, or the contents of

any privy-vault in, or upon any public street, alley, or common, shall be deemed guilty of a nuisance, and on conviction, shall be fined not less than five dollars, nor more than fifty dollars.

§ 3. GUN-POWDER AND GUN-COTTON—WHEN NUISANCE.] The keeping, having, or storing within said city of any gunpowder or gun-cotton, in larger quantity than fifty pounds, at one time and place, or in any other manner than in tin canisters or cases, containing, not exceeding thirteen pounds each, or in any position contiguous to any fire, or lighted lamp, or gas jet, or in any situation not readily accessible for the removal of such gunpowder or gun-cotton, in case of fire, is hereby declared to be a nuisance, and whoever shall be guilty thereof, shall be fined not less than ten dollars nor more than one hundred dollars.

§ 4. STORAGE OF TAR, PITCH, ETC—WHEN A NUISANCE.] Whoever shall have, or keep in store, within said city, any quantity of tar, pitch, rosin, petroleum, or its products, or other combustible materials, or substances, in such manner that the same shall be in danger of taking and communicating fire, shall be deemed guilty of a nuisance, and shall be fined not less than ten dollars, nor more than one hundred dollars.

§ 5. BILLS AND PLACARDS.] The pasting, sticking or placing of any advertisement, handbill, placard, or of any printed, pictured, or written matter, or thing, whatsoever, upon any house, wall, building, fence, railing, sidewalk, or other property, public or private, without permission of the owner or person in charge thereof is hereby declared a nuisance, and any person found guilty of so doing, shall be fined, not less than five dollars nor more than twenty dollars.

§ 6. DAIRIES PROHIBITED.] Whoever shall erect, keep, or maintain any dairy or any cow stable, or other appurtenance or convenience connected with any dairy within said city, shall be deemed guilty of a nuisance, and shall be fined not less than ten dollars, nor more than one hundred dollars. Any establishment or place where three or more cows are kept for the purpose of making butter or cheese, or of producing milk for sale, shall be deemed a dairy within the meaning of this section.

§ 7. SUFFERING PREMISES TO BECOME FOUL.] Whoever shall suffer or permit any cellar, vault, drain, pool, privy, sewer, yard, grounds or premises, belonging to or controlled by him, to become from any cause, nauseous, foul, offensive, or injurious to the public health, or unpleasant and disagreeable to adjacent residents or persons, shall be deemed guilty of a

nuisance, and on conviction, be fined not less than ten dollars, nor more than fifty dollars.

§ 8. STREAMS, GUTTERS, RAVINES, ETC.—OBSTRUCTION OF.] Whoever shall place, erect or maintain any obstruction in or across any water course, stream, brook or ravine, so as to cause water to stand and to stagnate therein or shall place or deposit therein any noxious or offensive matter or any stone, earth, straw, hay, manure, dead animal, or other article or substance, or whoever shall by any means dam up or obstruct any sewer, drain, or gutter shall be deemed guilty of a nuisance and on conviction shall be fined not less than fifty dollars.

§ 9. GREEN AND SALTED HIDES—WHEN A NUISANCE.] Whoever shall keep in store, in any building, cellar or place within said city any green or salted hides, pelts or skins for such length of time or in such manner that the same shall become or be nauseous, foul or offensive by reason of their bad or unwholesome smell or odor shall be deemed guilty of a nuisance and on conviction shall be fined not less than five dollars nor more than fifty dollars.

§ 10. FOUL LIQUIDS DISCHARGED UPON STREETS OR PREMISES.] Whoever shall cause or permit any nauseous, foul, or putrid liquor or substance, or any liquid or substance likely to become nauseous, foul, offensive or putrid to be discharged, placed or thrown or to flow from or out of any premises into or upon any adjacent premises or any public street or alley shall be deemed guilty of a nuisance and shall be fined not less than ten dollars nor more than one hundred dollars.

§ 11. SLOPS, FILTH, DEAD ANIMALS, ETC.] Whoever shall deposit or place in or upon any premises, public or private, enclosed or common within said city any vegetable or animal matter or slops, or any filth of a character likely to affect the public health, or to produce offensive smells, or the carcass of any dead animal ; or whoever shall suffer the carcass of any dead animal, which at its death belonged to him, to be or remain in or upon any such place more than six hours after its death, shall be deemed guilty of a nuisance, and on conviction shall be fined not less than five dollars nor more than fifty dollars.

§ 12. THROWING FILTH IN WELL OR CISTERNS.] Whoever shall throw, cast or deposit any filth, substance or thing in any public or private well or cistern shall be deemed guilty of a nuisance, and on conviction shall be fined not less than twenty dollars nor more than one hundred dollars.

§ 13. BILL-BOARDS—WHEN NUISANCE.] Whoever shall erect, keep or maintain any bill-board or board for advertising upon any public ground or place, or upon any private premises adjacent to any sidewalk, street or footway, the same being so erected as to occasion danger or inconvenience to the public, shall be deemed guilty of a nuisance and be fined not less than five dollars nor more than twenty dollars.

§ 14. GATES OPENING OVER STREET OR SIDEWALK.] All gates opening upon any public street shall be so constructed as that no part of such gate shall swing over or above the street or sidewalk upon which it opens, unless such gate be so constructed or hung as to be self-shutting; and whoever shall erect, keep or maintain any gate, in violation of this section shall be deemed guilty of a nuisance, and be fined not exceeding ten dollars.

§ 15. SLACK AND REFUSE COAL—NUISANCE.] It is hereby declared to be a nuisance for any person, company or corporation to place, keep, deposit or maintain within said city any pile or piles of slack coal, or refuse material from any coal mine, in such manner that the same shall burn and emit smoke or offensive or disagreeable smells, odors or vapors, whereby the health or comfort of any person or family is affected, and any such person, company or corporation on conviction of such nuisance shall be fined fifty dollars.

§ 16. SOAP FACTORIES AND OTHER OFFENSIVE ESTABLISHMENTS—WHEN NUISANCES.] Whoever shall hereafter erect within said city any soap factory, tallow chandlery, tannery, distillery or brewery, without permission of the City Council, or whoever with such permission shall conduct any establishment of the character aforesaid in such manner that the same shall become foul or offensive, or shall emit or give out bad, offensive or unwholesome smells or odors to the annoyance or detriment of any community, family or person, shall be deemed guilty of a nuisance, and on conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars.

§ 17. SLAUGHTERING ESTABLISHMENTS, ETC.—WHEN NUISANCES.] Whoever shall hereafter erect or set in operation within said city, or within one mile of the limits thereof, any slaughtering establishment, or establishment for steaming or rendering lard, tallow, offal or other substances without permission of the City Council; or whoever, within the limits aforesaid, shall with or without such permission so conduct or carry on such establishment, that the same shall become foul or offensive, or shall emit unwholesome or disagreeable odors to the annoyance or detriment of any community, family or

person, shall be deemed guilty of a nuisance, and on conviction shall be fined not less than ten dollars nor more than one hundred dollars.

§ 18. CURBING—WHEN NUISANCE.] No curbing shall be placed nearer than twenty-four feet of the center of any street eighty feet wide or more, nor nearer than sixteen feet of the centre of any street over sixty feet and under eighty feet wide; nor nearer than fifteen feet of the centre of any street fifty feet wide or less. Any person placing curbing in any street in violation of this section shall be fined not less than five dollars nor more than fifty dollars on failing to remove the same after ten days' notice from any city officer; and all curbing constructed contrary to the provisions of this section, and not removed after ten days' notice, as herein provided, is hereby declared to be a nuisance.

§ 19. TRAP-DOORS, GRATINGS, ETC.—DANGEROUS SIDEWALK.] Whoever shall keep or leave open, or shall allow or suffer to be left or kept open, any cellar door or trap-door, or the grating of any vault in or upon any side-walk, street, thoroughfare or passage-way; or whoever shall make, keep, or maintain any uncovered opening in any sidewalk or passage-way, or whoever shall suffer or allow any sidewalk or foot-way, which it is his duty to maintain or repair, to become or continue so broken, uneven or out of repair as to endanger life or limb, shall be deemed guilty of a nuisance, and on conviction shall be fined not less than five dollars nor more than one hundred dollars.

§ 20. FAILURE TO REFILL DITCHES, ETC., OR TO GUARD THE SAME.] Whoever under lawful permission shall for any purpose dig or make any ditch, drain, excavation or hole in, across or under any street, alley, sidewalk or other public place within said city, and shall not with all reasonable dispatch refill the same and fix such street, alley, sidewalk, or place in as good condition as the same was found; or whoever shall, during the lawful existence or continuance of any such ditch, drain, excavation, or hole, fail to have the same so watched, guarded and protected, as to insure the safety of all persons who may or might pass by or near the same, shall be deemed guilty of a nuisance, and on conviction shall be fined not less than twenty dollars nor more than one hundred dollars.

§ 21. ERECTING UNSAFE SCAFFOLD.] Whoever shall erect or use, or shall cause or suffer to be erected or used within said city any insecure or unsafe scaffold, whereby the safety of persons working thereon or passing thereunder may be in

any manner endangered, shall be deemed guilty of a nuisance, and on conviction shall be fined not less than five dollars nor more than fifty dollars.

§ 22. UNSAFE SIGNS, AWNINGS, ETC.—CLOTHING AND GOODS.—
TREES.] Whoever shall erect, suspend, keep or maintain any sign, awning, goods, clothing or other structure or thing over or across any street or sidewalk of the city, or any tree or shrub with branches overhanging the same in such manner as to obstruct such sidewalk or street, or render travel thereon inconvenient or unsafe; or whoever shall suffer any awning, sign or structure over any street or sidewalk, to be out of repair or in an insecure or unsafe condition shall be deemed guilty of a nuisance, and on conviction shall be fined not less than five dollars nor more than fifty dollars.

§ 23. WOODEN AWNINGS AND AWNINGS WITH SUPPORTS.] Whoever shall construct, repair, keep or maintain within said city any wooden awning or shed over any sidewalk or foot-way with supports reaching down to such sidewalk or to the ground, shall be deemed guilty of a nuisance, and on conviction shall be fined not less than ten dollars nor more than one hundred dollars.

§ 24. OBSTRUCTIONS, EXCAVATIONS, ETC., NUISANCES.] All obstructions to streets, alleys, crossings, or sidewalks of the city, and all excavations in or under the same, which are by ordinance prohibited, or which may be made without lawful permission, are hereby declared to be nuisances, and the person erecting, keeping or maintaining any such shall in addition to any penalty specifically denounced against the same, be subject to the further provisions of this ordinance in relation to the continuance and abatement of nuisances.

§ 25. COAL VAULTS AND OTHER EXCAVATIONS—WHEN NUISANCES.] Every coal vault or other excavation beneath any sidewalk or street of said city, which is so constructed or so insufficiently covered as to be unsafe and insecure or to endanger the lives or limbs of persons passing over or by the same, is hereby declared to be a nuisance, and the person keeping or maintaining the same shall be fined therefor not less than ten dollars nor more than one hundred dollars.

§ 26. UNSAFE BUILDINGS, ETC., NUISANCES.] No person shall within said city erect or maintain any insecure or unsafe building, stack, wall, chimney or other structure, or any building, stack, wall, chimney or other structure which from situation, mode of construction or other cause may be dangerous to persons or to property: Any person violating this section shall be deemed guilty of a nuisance, and shall on conviction be

fined not less than twenty-five dollars nor more than one hundred dollars.

§ 27. COUNCIL MAY NOTIFY PERSONS BUILDING TO STOP.] Whenever in the judgment of the City Council any building, stack, wall, chimney, or other structure then in process of construction, is being erected or built, upon such plans or in such manner that the same will when completed be insecure, unsafe, or dangerous to persons or property, said Council may cause notice to be served upon the owner of the same or his agent or upon the contractor, or person having charge of the building thereof, to stop work thereon until the plans of such building shall be so changed as to render the same secure and safe and to meet the approval of said Council; any person who shall violate the terms of any notice served on him in pursuance of this section shall be fined fifty dollars, and a like sum for each day he shall persist in such violation.

DIVISION 2.

Abatement of Nuisances.

SECTION 1. Court on conviction to order abatement.
" 2. Continuing nuisance—penalty.
" 3. Summary abatement of nuisance—when proper.
" 4. Authority of marshal—manner of abatement.
" 5. Costs of abatement, paid by person creating, etc.

SECTION 1. COURT ON CONVICTION TO ORDER ABATEMENT.] When judgment shall be rendered against any person for creating, keeping, or maintaining any nuisance, it shall be the duty of the court before whom such conviction is had to order the defendant in such suit to forthwith abate and remove such nuisance, and if the same is not done, by such defendant, within twenty-four hours, that the same shall be abated and removed by the City Marshal. Said order shall be entered upon the docket of the court and be made a part of the judgment in the cause.

§ 2. CONTINUING NUISANCE—PENALTY.] Any person having been found guilty of creating, keeping or maintaining any nuisance, who shall neglect, or fail to abate and remove such nuisance within twenty-four hours next after his conviction thereof, shall, for each twenty-four hours thereafter which such nuisance is continued, be subject to a like penalty as that originally incurred for keeping, creating, or maintaining the same.

§ 3. SUMMARY ABATEMENT OF NUISANCE—WHEN PROPER.] When any nuisance is of such a nature or character, and is so

situated that the same can be abated without the invasion or destruction of private property, and the further continuance thereof is likely to result in expense to the city, or injury to any person, it shall be the duty of the City Marshal to abate and remove the same summarily without waiting for the conviction of the author thereof.

§ 4. AUTHORITY OF MARSHAL—MANNER OF ABATEMENT.] In any case where a nuisance is to be abated by the City Marshal, or any officer, it shall be the duty of such Marshal or officer to proceed with due care, and without any unnecessary destruction of property; and he shall in all cases be authorized to employ such assistance, and adopt such means as may be necessary to effect the entire abatement of the evil in question.

§ 5. COSTS OF ABATEMENT PAID BY PERSON CREATING, ETC.] Every person creating, keeping, or maintaining any nuisance, shall be liable for all costs and expenses of abating the same, when done by the city or under its authority; and in all cases where the City Marshal, or other officer shall abate any such nuisance, he shall keep an account of all expenses attending such abatement, and shall forthwith bring suit for the same in some competent court in the name of the City of Bloomington against the person creating, keeping, or maintaining the nuisance so abated.

CHAPTER XIII.

OFFICERS.

DIVISION 1.—GENERAL PROVISIONS.

- “ 2.—CITY ASSESSOR.
- “ 3.—CITY ATTORNEY.
- “ 4.—CITY CLERK.
- “ 5.—CITY COLLECTOR.
- “ 6.—CITY ENGINEER.
- “ 7.—CITY WEIGHLER.
- “ 8.—HEALTH OFFICER.
- “ 9.—INSPECTOR OF WEIGHTS AND MEASURES.
- “ 10.—MEASURER.
- “ 11.—OIL INSPECTOR.
- “ 12.—STREET COMMISSIONER.
- “ 13.—TREASURER.

DIVISION 1.

General Provisions.

SECTION 1. Appointment of officers—term of office.

- “ 2. Qualifications of officers.
- “ 3. Officers to give bond.
- “ 4. Officers to take and subscribe oath.
- “ 5. Officers to be commissioned—form.

SECTION 1. APPOINTMENT OF OFFICERS.] All officers of the city of Bloomington not by law elective, shall be appointed annually, as provided by statute, which appointment shall be made at the first regular meeting of the City Council held after the newly elected Mayor shall have taken his seat, or as soon thereafter as may be practicable; and each officer so appointed shall, unless sooner removed, hold his office until his successor is appointed and qualified.

§ 2. QUALIFICATIONS OF OFFICERS.] Every person appointed to any office under this city shall be a citizen of the United States, over twenty-one years of age, and shall have resided in this city at least one year next preceding his appointment.

§ 3. OFFICERS TO GIVE BONDS.] Every officer of said city, except members of the City Council, shall, before entering upon the duties of his office, give bond to the city of Bloomington in such sum as the City Council may designate, or as may be specially provided by ordinance, with two or more good and sufficient securities, residents of this city, to be approved by the City Council; which bond, when not otherwise provided by law or ordinance, shall be conditioned for the prompt and faithful performance by such officer of all acts and duties required of him as such officer by any law of the State of Illinois or ordinance of the City of Bloomington then in force or that may be subsequently passed, and for the prompt accounting for, and payment to the city or its proper officers of, all moneys that may come into his hands by virtue of his office.

§ 4. OFFICERS TO TAKE AND SUBSCRIBE OATH.] Every officer of said city shall, before entering upon the duties of his office, take and subscribe an oath before some officer authorized by law to administer oaths, that he will support the Constitution of the United States and of the State of Illinois, and will faithfully, promptly and to the best of his ability discharge and perform the duties of his office; which oath shall be filed, together with his official bond, if one is required, in the office of the City Clerk.

§ 5. OFFICERS TO BE COMMISSIONED—FORM.] Upon the filing of the oath and bond mentioned in the last section, the City Clerk shall, except in case of members of the City Council, issue to the officer filing the same a commission in the name of the Mayor and under the seal of the city, which may be substantially as follows :

To all to whom these presents shall come, Greeting :

Know ye, that — — —, having been duly elected (or appointed, as the case may be,) and qualified to the office of — — — of the city of Bloomington; Therefor, I, — — —, Mayor (or acting Mayor, as the case may be,) of said city, for and in behalf of the people thereof do hereby commission the said — — — as such — — — in and for said city; to have and possess the said office with all the rights, powers and emoluments incident thereto, with authority to execute all the duties thereof according to law until his successor shall be duly chosen and qualified.

In testimony whereof, I have hereunto set my hand
[SEAL.] and caused the corporate seal of said city to be af-
fixed this — day of — in the year 18—.

ATTEST: (Signed) — — — — —, MAYOR.
— — — — —, CLERK.

DIVISION 2.

City Assessor.

SECTION 1. Appointment and bond of Assessor.
" 2. Assessor to be governed by statutes, etc.
" 3. Township assessors appointed.

SECTION 1. APPPOINTMENT AND BOND OF ASSESSOR.] There shall be appointed in and for the city of Bloomington, as provided by law, one City Assessor, who shall, before entering upon the duties of his office, execute to the city a bond in the penal sum of one thousand dollars conditioned for the prompt and faithful performance of the duties of City Assessor, as defined by the ordinances of said city and the statutes of the State of Illinois.

§ 2. ASSESSOR TO BE GOVERNED BY STATUTES, ETC.] The City Assessor, upon receiving the books of assessment, shall proceed promptly to assess all real and personal property within the city subject to taxation. The time and manner of assessment shall be the same as that prescribed by the statutes of the State of Illinois for the government of township assessors.

§ 3. TOWNSHIP ASSESSORS APPOINTED.] Whenever the Mayor and City Council of said city may think fit to appoint the regular Township Assessors of Bloomington and Normal townships as the assessors of said city, the provisions of this ordinance shall apply to each of such assessors the same as though but one had been appointed, as contemplated in its terms.

DIVISION 3.

City Attorney.

SECTION 1. Qualifications and bond of Attorney.
" 2. Duties of City Attorney.

SECTION 1. QUALIFICATIONS AND BOND OF ATTORNEY.] The City Attorney shall, in addition to the qualifications required in section two, division one, of this chapter, be licensed to practice in all courts of the State of Illinois; and before entering upon the duties of his office he shall give bond to the city in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of his office.

§ 2. DUTIES OF CITY ATTORNEY.] It shall be the duty of the City Attorney :

First—To prosecute all suits for the recovery of fines and penalties before any court for the violation of any of the ordinances or laws of said city.

Second—To institute or defend any suit which may be brought in any court by or against said city, or which may be brought by or against any of its officers on account of any of their official acts.

Third—To collect promptly all judgments recovered by said city, and to see that all persons failing to pay fines are imprisoned as required by ordinance.

Fourth—To pay into the city treasury all money which may be received by him on account of said city, and take receipts therefor.

Fifth—To report monthly to the City Council the number of suits brought in behalf of the city, the manner in which they have been disposed of, the aggregate amount of judgments recovered by said city, the amount collected by him upon said judgments, and the amount paid by him to the City Treasurer, together with the Treasurer's receipts therefor.

Sixth—To draft all ordinances, bonds, contracts, leases, conveyances, and such other instruments of writing pertaining to the business of an attorney, as may be required by the business of said city.

Seventh—To inspect and examine all tax and assessment rolls, and to institute and conduct all proceedings in reference to the assessment and collection of city taxes.

Eighth—To furnish his written opinion upon any legal question submitted to him for such opinion by the City Council, and to regularly attend all meetings of said Council.

Ninth—To perform in behalf of the city such other services incident to the office of an attorney, as may, from time to time, be required by the City Council, or by any of its committees or officers.

DIVISION 4.

City Clerk.

SECTION 1. Bond of City Clerk. " 2. Duties of City Clerk.

SECTION 1. BOND OF CITY CLERK.] The City Clerk of the city of Bloomington, shall give bond in the penal sum of one thousand dollars, with security, to be approved by the City Council, conditioned for the faithful performance of the duties of his office, and that he will, at the expiration of his term of

office, turn over to his successor or to the City Council, all books, records, and other property coming to his hands as such clerk.

§ 2. DUTIES OF CITY CLERK.] It shall be the duty of the City Clerk,—

First—To attend all meetings of the City Council, and keep a full and correct journal of its proceedings, and to record at length in such proceedings all ordinances passed by said Council, and not published in book form, and also all contracts to which the city may be a party.

Second—To carefully preserve in his office all books, records, and papers belonging to the city, which may come to his hands as clerk.

Third—To keep full and complete accounts and exhibits of all financial transactions of the city, to be entered upon such books as are provided for that purpose, in form of double entry, including in such account all claims against the city, as the same may be allowed; and all orders for the payment of money granted and on what account.

Fourth—To preserve in his office all bills on which any money may be paid out by the city.

Fifth—To issue all licenses, the granting of which may be provided for by ordinance, and to keep a record in a suitable book of each license granted, to whom granted, for what purpose, the period of time covered thereby, and the location of the place of business of the person obtaining the license.

Sixth—To do and perform such other duties pertaining to his office as may be necessary, or as the City Council may, from time to time, require.

Seventh—Said clerk shall keep his office at such place as the City Council may direct, and his office hours shall be from eight o'clock a. m. to twelve m., and from one o'clock p. m. until five o'clock p. m. of each day.

DIVISION 5.

City Collector.

SECTION 1. Bond of City Collector.

- " 2. Collector to proceed as provided by statute—settlement.
- " 3. Collector to report delinquent taxes.
- " 4. Appointment of town collectors as collectors for city.

SECTION 1. BOND OF CITY COLLECTOR.] The amount of the bond of the City Collector shall be double the amount of taxes to be by him collected for the city during the year for which such bond is given, and shall be conditioned similarly to the

bond required by the Statutes of Illinois to be given by town collectors.

§ 3. COLLECTOR TO PROCEED AS PROVIDED BY STATUTE—SETTLEMENT.] The City Collector upon receiving the tax book or books shall proceed to the collection of the city taxes in like manner as is by the Statutes of Illinois provided for the collection of State, county and town taxes. He shall use a high degree of diligence to collect all city taxes extended upon the books, making levies when necessary for that purpose, and he shall make return of his books, accounts and vouchers, and make a final settlement with the Finance Committee and the City Treasurer, on or before the first day of April in each year.

3. COLLECTOR TO REPORT DELINQUENT TAXES.] The City Collector shall, upon concluding his collection of taxes, make out a written statement of all delinquent taxes and assessments for such year, comprising names of persons by whom owing, whether amount due in each case is real estate or personal tax, with remarks as to whether collectible, and submit the same to the City Council in session.

4. APPOINTMENT OF TOWN COLLECTORS AS COLLECTORS FOR CITY.] Whenever the regular town collectors of Bloomington and Normal townships may be appointed as the collectors of said city, in and for the districts or parts of said city, comprised within their respective townships, the provisions of this division shall apply to each of such collectors the same as though the two had been expressly mentioned in its terms.

DIVISION 6.

City Engineer.

SECTION 1. Appoalntment and bond,
" 2. Stipulation in Engineer's bond.
" 3. Duties of City Engineer.
" 4. Books and materials to be procured by and belong to the city.
" 5. Engineer not to do outside work without consent of Council—nor be interested in any contract with city.
" 6. Engineer 'to be *ex-officio* commissioner of sidewalks and special assessments—duties as such.

SECTION I. APPOINTMENT AND BOND.] There shall be appointed in and for the City of Bloomington, as provided by law, one City Engineer, who shall, before entering upon the duties of his office, execute to said city a bond in the penal sum of one thousand dollars, with two or more good and sufficient securities, to be approved by the City Council, conditioned that he will faithfully perform his duties as such Engineer, and that he will at the expiration of his term of office

turn over to his successor, or to the city of Bloomington, all books, records, surveys, plats, papers, notes, and writings coming to his hands as such Engineer, or made by him as such Engineer while employed by the city.

§ 2. STIPULATION IN ENGINEER'S BOND.] The bond of the City Engineer shall in addition to the condition provided for in section one hereof contain a stipulation in the following words, to-wit :

"It is expressly stipulated and agreed by the parties hereto that in case the said (here insert name of engineer) shall fail to make all records and writings upon the books of the city, which are, or may be, by ordinance required to be made by him, or shall fail to turn over to his successor, or to the city of Bloomington, or its authorized officer or officers, any book, map, survey, memorandum, or any field notes, or other result or product of his labor as such Engineer, as the same is or may be by ordinance required to be turned over by him, then the damages for such default on the part of the said (here insert name of engineer) shall be one thousand dollars to be taken as liquidated assessed and agreed upon by the parties and may be sued for and recovered without any other or further proof of damages than the default aforesaid."

§ 3. DUTIES OF CITY ENGINEER.] It shall be the duty of the City Engineer :

First—To make the requisite maps, plans, specifications and estimates for all work constructed by the city or under its authority.

Second—To keep a systematic record on the books of the city of all transactions within his department, and carefully preserve in his office all maps, plans, and surveys of the city, and all records, books, papers and writings made by him, or coming to or being in his hands as such City Engineer.

Third—To report monthly to the City Council a general abstract of all the operations of his department; the amount of work executed, and the amount on hand unexecuted, and such other information as may be deemed of importance, or as the City Council may require.

Fourth—To keep in a suitable book, to be provided by the city, all grades established by the City Council. Said grade book shall be kept in the office of said City Engineer, and shall be the exclusive property of the city, and all entries therein shall be made with ink.

Fifth—To give grades of streets or alleys to persons desiring to build or to construct sidewalks, and street lines to persons desiring to construct curbing, when instructed so to

do by the City Council or its authorized committee; *Provided*, that no grade shall be given unless the same is established by ordinance.

Sixth—To turn over to his successor, or some other person authorized to receive the same for the city, at the expiration of his term of office all records, books, plats, maps, surveys, plans, writings, papers, and instruments received or in his custody, together with all field notes and other results and products of his labor while acting as such Engineer.

Seventh—To do and perform such other duties pertaining to the business of his department as may from time to time be necessary, or as the City Council or any authorized committee thereof may require of him.

§ 4. BOOKS AND MATERIALS TO BE PROCURED BY, AND BELONG TO, THE CITY.] The Engineer shall advise the City Council of all books, stationery, instruments and material required in his department, and upon the order of said Council, shall procure the same at the expense of the city, and he shall keep all records, maps, charts, surveys, grades and plans, and likewise make all memorandums of his work, and all field notes of surveys upon the books of the city so procured, or in his hands, and all such records, maps, charts, surveys, grades, plans, memorandums and field notes, together with all products and results of his labors as such Engineer, shall be the property of the city and constitute a part of the records to be turned over by him to his successors, or to the city, as is herein above provided.

§ 5. ENGINEER NOT TO DO OUTSIDE WORK WITHOUT CONSENT OF COUNCIL, OR BE INTERESTED IN ANY CONTRACT WITH THE CITY.] The City Engineer shall devote his entire time and energies to the performances of his duties, and in no case shall he, while employed by the city, do for hire any engineering, surveying, or other work pertaining to the business of an Engineer for any person, company or corporation, other than said city, without the consent of the City Council, and all earnings received for any such outside work shall be paid over by him to the City Treasurer; nor shall he, during his term of office, be either directly, or indirectly concerned or interested in any contract with the city for any public work.

§ 6. ENGINEER TO BE EX-OFFICIO COMMISSIONER OF SIDEWALKS AND SPECIAL ASSESSMENTS—DUTIES AS SUCH.] The City Engineer shall be *ex-officio* commissioner of sidewalks and special assessments, and as such shall keep a full record in a convenient and legible form, of all special assessments for the building of sidewalks and other purposes, including all made since

the first day of July, 1872. He shall prepare all descriptions of property to be assessed with owner's names; prepare and cause to be served, published or posted, as the case may be, all notices required by law to be given in the case of special assessments, and also all notices required to be given where property has been purchased by, or on behalf of the city, for unpaid special assessments; and perform such other duties in relation to sidewalks and special assessments as the Council may from time to time direct.

DIVISION 7.

City Weigher.

SECTION 1. City Weigher—appointment and bond—deputies.
 " 2. Duties of Weigher.
 " 3. Weigher to keep book.
 " 4 False certificate, etc.,—penalty.

SECTION 1. CITY WEIGHER—APPOINTMENT AND BOND—DEPUTIES.] There shall be annually appointed, in and for the city of Bloomington, one City Weigher, who shall, before entering upon the duties of his office, execute to said city a bond, with security, to be approved by the City Council, in the penal sum of five hundred dollars, conditioned for the faithful performance of the duties of his office. Said Weigher may appoint deputies, if deemed necessary, for whose acts said Weigher and his securities shall be responsible.

2. DUTIES OF WEIGHER.] The City Weigher shall have charge of all public scales of said city, and shall, by himself or deputies, attend at said scales from sunrise till sunset of each day, (Sundays and legal holidays excepted) and there weigh every load of grain, hay, stone-coal, or other thing presented to be weighed, and give to the person presenting the same a dated certificate of gross tare and net weight thereof. Where contract is made in advance with said Weigher, for the weighing of an entire car-load of any article, he may include the whole of said car-load in one certificate.

3. WEIGHER TO KEEP BOOK.] Said Weigher shall enter in a suitable book, to be furnished him by the city, every load of grain, hay, stone-coal, or other thing weighed by him, designating the kind and weight of each, for whom weighed, and the amount of fees received therefor.

4. FALSE CERTIFICATE, ETC.—PENALTY.] Any City Weigher who shall neglect or refuse to weigh any load of hay, stone-coal, or other thing presented to be weighed, upon request and tender of fees, or who shall give any false certificate of

weight to any person, or whoever shall seek to make any certificate of the City Weigher apply to any other or different matter or thing than that for which the such certificate was given shall, on conviction, be fined not less than twenty dollars nor more than one hundred dollars.

DIVISION 8.

Health Officer.

SECTION 1. Health officer—appointment and bond.

- “ 2. Duties of Health Officer.
- “ 3. Disobeying orders of Health Officer—penalty.
- “ 4. To make complaint against the authors of nuisances.
- “ 5. Marshal and policeman to assist Health Officer.
- “ 6. City Council may retire from pay.

SECTION 1. HEALTH OFFICER—APPOINTMENT AND BOND.] There shall be appointed in and for the city of Bloomington one Health Officer who shall give bond to the city in the sum of five hundred dollars, with security, conditioned for the faithful performance of the duties of his office.

§ 2. DUTIES OF HEALTH OFFICER.] It shall be the duty of the Health Officer from time to time and as often as the health of the city may require it, or as he shall be requested by the Mayor of said city, to go into or upon any premises in said city and make a careful examination of the same with reference to their sanitary condition and arrangement, and to give such orders and directions in relation to their ventilation, cleanliness and sanitary condition in general as he may deem necessary to secure, protect, preserve or restore the general health and to prevent the introduction of contagious or other diseases into the city.

§ 3. DISOBEYING ORDERS OF HEALTH OFFICER—PENALTY.] Whoever shall refuse or neglect to obey or carry out the directions or orders of the Health Officer, given in pursuance the preceding section, shall be fined not less than three dollars nor more than ten dollars for each day of such neglect or refusal.

§ 4. TO MAKE COMPLAINTS AGAINST THE AUTHORS OF NUISANCES.] It shall also be the duty of said Health Officer to make complaint against any person whom he may know to be the author of any nuisance within said city, and cause such person to be prosecuted and such nuisance to be abated, as provided by the ordinances of said city.

§ 5. MARSHAL AND POLICEMEN TO ASSIST HEALTH OFFICER.] The Marshal and policemen of the city shall render such as-

sistance to the Health Officer in the discharge of his duties as he shall from time to time require of them.

§ 6. CITY COUNCIL MAY RETIRE FROM PAY.] The City Council may by resolution retire the Health Officer from active service and from pay as a city officer during any portion of the year when they may deem his services unnecessary.

DIVISION 9.

Inspector of Weights and Measures.

SECTION 1. APPOINTMENT AND BOND.

- " 2. City Clerk to procure standards.
- " 3. Inspector's office—to Inspect and stamp scales, etc.
- " 4. To inspect on request—complaint, etc.
- " 5. Incorrect scales, etc., to be condemned—penalty.
- " 6. Report of Inspector.
- " 7. Using uninspected weights or measures.
- " 8. False weights, etc.—giving too little of article—penalty.
- " 9. Hindering or delaying inspector—penalty.

SECTION 1. APPOINTMENT AND BOND.] There shall be annually appointed, in and for the city of Bloomington, as provided by law, one Inspector of Weights and Measures, who shall give bond to the city in the penal sum of five hundred dollars, with two or more securities, to be approved by the City Council, conditioned for the faithful performance of the duties of his office.

§ 2. CITY CLERK TO PROCURE STANDARDS.] The City Clerk shall, at the expense of the city, procure correct and approved standards of weights and measures, comprising a full set of weights, measures, scales and beams, as adopted by the statutes of the State of Illinois, as the standard of weights and measures for said State, and he shall cause each of the weights, measures, scales and beams, procured as aforesaid, to be tested and sealed by the State Sealer, and the same shall be used by the said Inspector of Weights and Measures as the standards for testing the weights and measures of said city, and shall be kept by said Inspector in his office as city property, and be by him turned over to his successor, or to the city, at the expiration of his term of office.

§ 3. INSPECTOR'S OFFICE—TO INSPECT AND STAMP SCALES, ETC.] It shall be the duty of the Inspector of Weights and Measures, to keep an office within the city, and to designate by card or otherwise, the hour or hours of each day when he may be found in his office. He shall once in each year between the first day of May and the first day of October, inspect where situate, and test the accuracy of, all weights, measures, balances, scales, beams, and all other instruments or things used

for measuring or weighing any article for sale within the city and stamp with a suitable stamp or seal, all scales, weights and measures found to be correct, and deliver to the owners thereof certificates of their accuracy. The stamp or seal used shall indicate the date of inspection, and that the weight, measure or scale on which it is placed is correct. Said inspector shall, on request, inspect all city scales free of charge.

§ 4. To INSPECT ON REQUEST—COMPLAINT, ETC.—FEES.] It shall be the duty of said inspector whenever complaint is made to him by any person interested, or whenever he may have reason to believe that any weight, measure, scale, balance, or other instrument used for weighing or measuring in said city is incorrect, or whenever thereto requested by the owner of, or person using any such, to inspect and test the same, without regard to the date of any previous inspection: *Provided*, That said inspector shall not be entitled to charge for any except the regular yearly inspection, except in cases where requested to inspect by the owner or user, or when the weight, measure, scale, balance or instrument inspected is found to be inaccurate and untrue, when the regular fees may be charged.

§ 5. INCORRECT SCALES, ETC., TO BE CONDEMNED—PENALTY.] If upon examination said inspector shall find any weight, measure, balance, scale, beam, or other instrument or thing to be incorrect or untrue, he shall condemn the same, and forthwith notify the owner or user thereof of such condemnation, and the use of any weight, measure, balance, scale or other instrument or thing so condemned, is hereby prohibited until the same shall have been corrected and sealed by the inspector, under a penalty of not less than ten dollars nor more than fifty dollars for each offense.

§ 6. REPORT OF INSPECTOR.] Within ten days after the completion of each annual inspection of weights and measures, said inspector shall make a report to the City Council, setting forth all weights and measures inspected by him for the year with the owners names respectively, and noting what weights and measures were found correct and what incorrect; which said report shall be filed away and preserved by the City Clerk.

§ 7. USING UNINSPECTED WEIGHTS OR MEASURES.] After the first day of October, in the year eighteen hundred and seventy-six, no person shall, within said city, use for weighing or measuring articles for sale, any weight, measure, scale, beam, balance, or other instrument or thing, unless the same shall have been inspected, tested and stamped by the Inspector of

Weights and Measures, under a penalty of not less than ten dollars nor more than one hundred dollars for each offense.

§ 8. FALSE WEIGHTS, ETC.—GIVING TOO LITTLE OF ARTICLE—PENALTY.] Whoever shall use in weighing or measuring any article for sale, within said city, any weight, measure, scale, beam, balance, or other instrument or thing, which does not conform to the standard prescribed by the statutes of the State of Illinois; or whoever shall give a less quantity of any article or thing sold than is contracted or paid for by the buyer, computing by the standard and mode of measuring or weighing adopted and prescribed in the statutes aforesaid, for the article so sold, shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars for each offense.

§ 9. HINDERING OR DELAYING INSPECTOR—PENALTY.] Said inspector shall, during ordinary business hours, have access to all rooms or places where any scales, weights, or measures used for weighing or measuring are kept; and any person refusing, upon demand, to exhibit to said inspector, for inspection, any and all weights, measures, scales, beams, balances, or other instruments or things used or owned by him, or who shall in any manner hinder or delay said inspector in the performance of any of his duties as herein prescribed, shall be fined not less than ten dollars nor more than one hundred dollars.

DIVISION 10.

Measurer.

SECTION 1. APPOINTMENT AND BOND.

- “ 2. Lumber, etc.—when to be measured.
- “ 3. Fraudulent certificate, etc.—penalty.
- “ 4. Failing to measure—penalty.

SECTION 1. APPOINTMENT AND BOND.] There shall be appointed in and for the city of Bloomington, as provided by law, one City Measurer, who shall, before entering upon the duties of his office, give bond to the city in the penal sum of five hundred dollars, with two or more securities, to be approved by the City Council, conditioned for the faithful and prompt performance of the duties of his office.

§ 2. LUMBER, ETC.—WHEN TO BE MEASURED—CERTIFICATE.] All lumber or other building material, sold or purchased, to be used within said city, and likewise all mechanical work done or performed within said city, shall, if any party concerned requires it, be measured by the City Measurer, and on request such Measurer shall promptly make any such measure-

ments and give a certificate of the results thereof to each party interested. He shall use standard measures, which the City Inspector of Weights and Measures shall test correct, and seal for him, free of charge.

§ 3. **FRAUDULENT CERTIFICATES, ETC.—PENALTY.]** Whoever shall, with intent to cheat or defraud another, exhibit any false or forged certificate of measurement, or shall fraudulently endeavor to make any genuine certificate of the City Measurer applicable to any greater or less quantity of lumber, material, or work, or to any other or different lumber, material or work, than that for which the same was given, shall be fined not less than ten dollars nor more than one hundred dollars, for each offense.

§ 4. **FAILING TO MEASURE—PENALTY.]** Any City Measurer, who shall fail, on request of any interested party, to promptly repair to, and measure any lumber, building material, or mechanical work, unless he is at the time officially engaged, shall be fined, on conviction, not exceeding twenty dollars.

DIVISION 11.

Oil Inspector.

SECTION 1. Appointment and Bond. " 2. Duties of oil inspectors.

SECTION 1. **APPOINTMENT AND BOND.]** There shall be appointed in and for the city of Bloomington, as provided by law, one inspector of coal oil and burning fluid, and such additional number as the City Council may from time to time by resolution provide. Such inspectors shall, before entering upon their duties, severally give bond with one or more good and sufficient securities, to be approved by the City Council, conditioned for the faithful performance of their respective duties as such inspectors.

§ 2. **DUTIES OF OIL INSPECTORS.]** It shall be the duty of such inspectors to inspect and test oils and burning fluids, as provided by statute; and to make monthly reports to the City Council of the amount, kind and quality of all oil and burning fluid inspected by them, and the names of the owners of each parcel, together with such other information as the City Council may direct.

DIVISION 12.

Street Commissioner.

SECTION 1. Street Commissioner's bond.
" 2. Duties of Street Commissioner.

SECTION 1. STREET COMMISSIONER'S BOND.] The Street Commissioner of the city of Bloomington shall, before entering upon the duties of his office, give bond to the city in the penal sum of five hundred dollars, with security, to be approved by the City Council, conditioned for the faithful performance of the duties of his office.

§ 2. DUTIES OF STREET COMMISSIONER.] The duties of the Street Commissioner shall be as follows:

First—To forthwith mend all breaks or places requiring repairs, in any public street or crossing, and also in any sidewalk, where the repairs needed are slight, and do not require the construction of a new walk.

Second—To annually cause all streets and alleys of the city to be thoroughly cleansed, beginning in the spring of each year, and to keep them clean and free from weeds, so far as practicable, during the year, in which work he shall be under the direction of the Mayor, when not specially instructed by resolution of the City Council.

Third—To cause all ordinances of the city respecting streets, alleys, public grounds, sidewalks, drains and sewers, to be obeyed and enforced.

Fourth—To perform *ex-officio* the duties of Health Officer of said city, at all times, when no Health Officer is on active duty.

Fifth—To report monthly to the City Council all work done during the month, and all expenses incurred in his department, and upon what account and to whom each item is incurred.

Sixth—To obey such orders, general or special, as may from time to time be given him by the City Council, executing all special directions of said Council, in the order in which the same are given, unless otherwise specially directed.

DIVISION 13.

*Treasurer.***SECTION 1. Bond of City Treasurer.**

" 2. Duties of City Treasurer.

" 3. Treasurer to keep account of indebtedness, assets, etc.

SECTION 1. BOND OF CITY TREASURER.] The amount of the bond to be given by the City Treasurer shall be fixed each year by the City Council at the time of his appointment, or as soon thereafter as practicable. The amount of such bond shall be determined as nearly as may be according to the probable amount of funds to be handled by such treasurer during his term of office; and the Council may at any time require a new or additional bond when in their judgment the one given is for any reason insufficient.

§ 2. DUTIES OF CITY TREASURER.] The Treasurer of said city shall keep a full record of all the financial operations of the city; receive all moneys belonging to the city, and be responsible for the same; keep a regular and fair account of all moneys received and disbursed, of whom received and to whom paid; and noting particularly in his accounts on what account moneys are received and paid out. He shall at the end of each month exhibit to the Council an abstract of his accounts of moneys received and paid out. He shall in no case pay out any money, except upon the order of the Mayor, attested by the Clerk; and every such order shall be stamped upon its face denoting the time of payment. At the end of his official term he shall make out and file with the Clerk a full and complete statement of all moneys received and disbursed by the City during the year.

§ 3. TREASURER TO KEEP ACCOUNT OF INDEBTEDNESS, ASSETS, ETC.] The City Treasurer shall keep an accurate and full account under the head of "bills payable" and "bills receivable" of the entire indebtedness of the city, floating and bonded, and likewise of all assets of the city and amounts due the same, and of all property bought in for taxes by the city under special assessments.

CHAPTER XIV.

ORDINANCES.

SECTION 1. Printing of ordinances—certificate, etc.

- “ 2. When to take effect.
- “ 3. Two offenses—election of prosecutor.
- “ 4. Singular and plural words—corporations.
- “ 5. Construction of certain words.
- “ 6. Application of rules.
- “ 7. Repeals, construction of.
- “ 8. Repeal—exception—saving clause.

SECTION 1. PRINTING OF ORDINANCES, CERTIFICATE, ETC.] It shall be the duty of the City Clerk of the city of Bloomington, to cause prompt publication to be made in the newspaper doing the city printing, of all ordinances passed by the City Council, and he shall procure the certificate of the printer to such publication, and attach it to the record of the ordinance so published, or write and attest it upon the face of such record as required by section three of an act of the legislature of the state of Illinois, entitled “An act to amend the charter of the city of Bloomington,” approved March 8, 1869. Said Clerk shall procure printed slips of any ordinance for the convenience of members, when directed so to do by the City Council; and the originals of all ordinances shall be filed away and preserved by said Clerk in his office: *Provided*, that nothing in this section contained shall be applicable to, or in any manner affect any ordinance included in any compilation or revision of ordinances, which at any time may be collectively published in book or pamphlet form by authority of the City Council.

§ 2. WHEN TO TAKE EFFECT.] All ordinances passed by the City Council shall take effect from and after the due publication thereof in any newspaper published within said city, unless therein otherwise expressly provided.

§ 3. TWO OFFENSES—ELECTION OF PROSECUTOR.] In all cases where the same offense may be punishable, or shall be created by different clauses or sections of the ordinances of the city, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense.

§ 4. SINGULAR AND PLURAL WORDS—CORPORATIONS.] Whenever any word in any ordinance importing the plural number shall be used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed

to be included, although distributive words may not be used. And when any subject matter, party or person shall be referred to in any ordinance by words importing the singular number only, or the masculine gender, several matters, parties or persons, and females as well as males, shall be deemed to be included; and all ordinances shall be taken and construed to include within their meaning and terms, and to operate upon all incorporated companies acting through agents, servants or employes, within the city, the same as though such companies were expressly mentioned and included.

§ 5. CONSTRUCTION OF CERTAIN WORDS.] The word "court," when used in any ordinance of said city, shall be construed to mean any court of competent jurisdiction, and the word "month," when used in any ordinance, shall be construed to mean a calendar month, and the word "sworn" to mean sworn or affirmed.

§ 6. APPLICATION OF RULES.] The rules of construction prescribed in this chapter, shall govern in all cases, unless it shall be otherwise specially provided in the ordinance to be construed, or unless there be something in the subject matter or context thereof repugnant to such construction; and all general terms, provisions, phrases or expressions used in any ordinance, shall be liberally construed, in order that the true meaning and intent of the City Council may be carried out.

§ 7. REPEALS, CONSTRUCTION OF.] Unless otherwise expressly provided, no suit, prosecution, proceeding, right, fine or penalty, instituted, created, given, secured, or accrued under any provision of any ordinance, previous to its repeal, shall in anywise be affected, released, or discharged by the repeal of such provision, but may be prosecuted, enjoyed and recovered as fully as if such ordinance had continued in force; and when any ordinance repealing any former ordinance, clause, or provision, shall itself be repealed, such repeal shall not be construed to revive such former ordinance, unless it be expressly so provided.

§ 8. REPEAL—EXCEPTION—SAVING CLAUSE.] All general ordinances of the city of Bloomington heretofore passed in relation to the subject matter of, or inconsistent with, any of the provisions of any chapter of the ordinances of said city as revised, compiled, and arranged by Isaac N. Phillips, and ordered to be published in book form by authority of the City Council of said city, of which said revision this chapter forms a part, are hereby severally repealed: *Provided*, That no special ordinance, nor any ordinance for the making of any public improvement, nor any ordinance herein republished with-

out material change, shall be deemed to be repealed by this section: *And Provided further*, That such repeal shall not effect any act done, or any right accruing, or accrued, or established, or any suit, action, or proceeding had or commenced in any case, before the time when said repeal shall take effect, or any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time of such repeal for any offense committed, or for the recovery of any penalty or forfeiture incurred under any provision of any ordinance so repealed.

CHAPTER XV.

POLICE DEPARTMENT.

SECTION 1. Police Department—how composed.

- " 2 Mayor to be head of department.
- " 3. Powers of members.
- " 4. Duties of City Marshal.
- " 5. Marshal to be custodian of property—special policemen's stars.
- " 6. Marshal to make monthly report.
- " 7. Duties of subordinates.
- " 8. Appointment of special policemen.
- " 9. Rank of policemen.
- " 10. Causes for removal.
- " 11. Rules and regulations.
- " 12. Police uniforms.

SECTION 1. POLICE DEPARTMENT—HOW COMPOSED.] The police department of the city of Bloomington, shall consist of the Mayor, Aldermen and Health Officer of said city—who shall be *ex-officio* members of the police department—one City Marshal, one Captain of Night Police, and such other subordinate officers, policemen and watchmen, as the Mayor and City Council may from time to time appoint.

§ 2. MAYOR TO BE HEAD OF THE DEPARTMENT.] The Mayor shall be the head of the police department, and shall superintend and direct the police force generally. He shall see that the several members of the department are prompt and faithful in the discharge of their duties, and from time to time take such measures and adopt such regulations as he may deem necessary for the preservation of the peace and good order of the city, and the due enforcement of all the laws and ordinances thereof.

§ 3. POWERS OF MEMBERS.] Every member of the police department shall have power to arrest, with or without process, and bring before some proper tribunal in said city, all persons who may break, or threaten to break, the peace, or

who may be found in the act of violating, or who may reasonably be suspected of having violated, any ordinances of said city, and to detain any such person in custody until such time as an examination may be had in pursuance of law. They shall also have power to serve all process issued by virtue of the laws and ordinances of the city of Bloomington.

§ 4. DUTIES OF CITY MARSHAL.] The City Marshal shall be the commanding officer of the entire police force of the city, subject only to the Mayor, or the Council in session. He shall devote his whole time and energy to the discharge of his duties, and shall see that the laws and ordinances are enforced as far as possible by the force under his command, and that all offenders are reported to some proper tribunal for punishment. He shall assign to all policemen or patrolmen under him their different beats or districts, and their respective hours of service, and shall see that they are on duty during the whole time of their watch, and in case of his necessary absence from the city, his duties shall devolve upon the officer of the force next in rank: *Provided*, That said Marshal shall in no case absent himself from the city without notifying the Mayor of his intended absence, where the same is practicable.

§ 5. MARSHAL TO BE CUSTODIAN OF PROPERTY—SPECIAL POLICEMEN'S STARS.] The City Marshal shall be the custodian of all property provided by the city for the use of the police department and shall issue and receive the same as the City Council may direct. He shall also be the custodian of all stolen goods or other property received and retained under police authority. He shall provide stars for all special policemen similar to those worn by the regular members of the force, each of which shall be numbered and shall have engraved thereon the words "Special Police, Bloomington;" and each such special policeman shall on receiving his star pay to said Marshal five dollars, which shall be refunded to him by the Marshal upon return of the star when such policeman quits the service. Any special policeman failing or refusing to procure and wear a star as herein provided shall be fined ten dollars.

§ 6. MARSHAL TO MAKE MONTHLY REPORT.] The City Marshal shall during the first week of each month make out and file with the City Clerk a report in writing of the doings of his department during the preceding month. Said report shall set forth all prosecutions for the recovery of fines, all arrests made and by whom each is made, the nature of the charge in each prosecution, before what magistrate brought,

and how disposed of, and a statement of all property received by him during the month by virtue of his office.

§ 7. DUTIES OF SUBORDINATES.] All subordinate officers and policemen shall be regular and prompt in the discharge of their duties and shall obey the orders of their superiors. They shall, to the best of their abilities, preserve order, quiet and peace throughout the city, and enforce all ordinances of the city. Every policeman shall report to his commanding officer all persons known or suspected to be gamblers, receivers of stolen property, thieves, burglars, or disorderly persons, and also all unlawful or disorderly houses or places within said city coming to his knowledge, as well as all violations of the laws of the State or the ordinances of the city reported to him, or of which he may be cognizant; and when it shall come to the knowledge of any member of the police force that any city ordinance has been violated such member shall forthwith cause a proper complaint to be made before a police magistrate or justice of the peace within said city, and the proper witnesses to be summoned and evidence procured for the successful prosecution of the offender. It shall also be the duty of policemen to serve promptly all warrants or other process issued in any cause pending under any law or ordinance of said city before any magistrate thereof.

§ 8. APPOINTMENTS OF SPECIAL POLICEMEN.] The Mayor and City Council may on application being made to them, appoint any suitable person in the employ of any corporation, association, individual or firm, a special policeman in, and for said city; or they may, if deemed proper, appoint any person employed in any other branch of the city service to be such special policeman. Special policemen shall have all the qualifications required in the case of regular policemen; they shall take and subscribe the same oath, give like bond, exercise the same powers, and be subject to the rules and regulations of the police department, so far as the same are applicable to them; *Provided*, however, that such special policemen shall not be paid anything by the city for their services as policemen.

§ 9. RANK OF POLICEMEN.] The Mayor shall, at the time of appointing policemen assign each a number; and members shall rank according to number, one being highest, two next, and so on. The policeman present highest in rank shall in any case have command and be obeyed by subordinates in the absence of orders from any member of the force still higher in rank.

§ 10. CAUSES FOR REMOVAL.] The following offenses shall be deemed sufficient cause for removal of any member of the police force:

First—Disobedience of orders.

Second—Drunkenness.

Third—Holding familiar conversation on the streets with prostitutes, or association with rowdies or gamblers.

Fourth—Violent, coarse, insolent, or abusive language to a superior officer, or to any citizen, resident, or stranger.

Fifth—Using the power vested in him, for the satisfaction of personal ill-will, or hatred against any other person.

§ 11. RULES AND REGULATIONS.] The following rules and regulations for the general government of the police department of the city of Bloomington are hereby adopted:

First—Every member connected with the department shall devote his whole time and attention to the business of the department, and shall not follow any other calling.

Second—Although certain hours are allotted to each member for duty, yet all the members must be prepared to act at a moment's notice, whenever their services may be required, either on call by a superior officer, or on view of a violation, or threatened violation of any law of the State, or ordinance of the city.

Third—Punctual attendance and prompt obedience of orders will be required of every officer and policeman.

Fourth—No member of the department shall, while on duty, drink any intoxicating liquor, wine, or beer, or enter any dram-shop, billiard hall, gambling house, or house of ill-fame, except in discharge of his duty; and intoxication at any time shall be sufficient cause for removal.

Fifth—Members of the department shall not accept from any person, while in custody, or after he shall have been discharged, nor from any of his friends, any gratuity, gift or reward; nor (without written permission from the Mayor) from any person, any compensation for damages sustained in the discharge of their duty.

Sixth—Members shall be civil and respectful to the public, and upon all occasions perform their duty with good temper and discretion, and shall not at any time, while on duty, make use of violent, intemperate or abusive language.

Seventh—No member shall be permitted to apply for a warrant for an assault upon himself, without first reporting the case to the Mayor, and obtaining from him permission in writing to make such application.

Eighth—No member shall communicate to any person any information which may lead to the escape from arrest or punishment of persons accused of crime, or enable them to dispose of, or secrete goods stolen or embezzled.

Ninth—No member shall communicate any information respecting orders he may have received, or any regulation that may be made for the government of the department, except to such persons as ordered by a superior in office.

Tenth—Each member shall always have with him a memorandum book, in which he shall enter the names and residences of persons by him taken in charge, and also, all matters which will be important on the trial of any cause.

Eleventh—All officers and members of the department shall at all times, and on all occasions, when on duty, display their star, or emblem of office, so that the entire surface thereof may be easily and distinctly seen.

Twelfth—No member of the department shall leave the city without permission, in writing, from his superior officer, unless in pursuit of offenders, fleeing from justice.

Thirteenth—All persons who shall be arrested during the time the police magistrates' courts shall be open, shall immediately be taken to such court, unless otherwise directed by either the Mayor or chief of the day or night police, and all persons who shall be arrested at any other time shall be immediately conveyed to the city calaboose.

Fourteenth—Any property stolen or embezzled, which shall be found in the possession of any person who may be arrested, shall be taken to one of the police magistrates' courts, or the city prison, as the case may be, with the person, unless otherwise ordered by the Mayor or chief of the day or night police.

Fifteenth—Any member who shall charge or receive any fee or compensation, other than his legal salary, or shall receive and accept any present or reward for services rendered, or to be rendered, unless with the knowledge and approbation of the Mayor, in writing expressed, shall be deemed guilty of a misdemeanor.

Sixteenth—Policemen must report to their respective chiefs all suspicious persons and places, all bawdy houses and second-hand dealers, receiving shops, gaming houses, and all unlicensed dram-shops or tippling houses, and all houses where idlers, tipplers, gamblers, prostitutes, and other disorderly or suspicious persons may be in the habit of congregating.

Seventeenth—Policemen shall caution strangers and others, against going into places where idlers, tipplers, gamblers, and other disorderly or suspicious persons congregate, and against pickpockets, watch-stuffers, and all other vicious persons. They shall also direct strangers, and others who may need such directions, the nearest and safest way to their places of

destination, and, if necessary, cause them to be accompanied to their destination by one of the police, but shall not, in any case, leave their beats for that purpose, but shall pass such person from one beat to another.

Eighteenth—One member of the police shall at all times be at police headquarters, and whenever any person shall be arrested, it shall be the duty of the person making such arrest to cause the prisoner to be immediately taken to police headquarters, and the officer on duty there, shall set down in a book to be kept for that purpose the name of the prisoner, the nature of the offense charged against him, the name of the complaining witness, together with the names of all the witnesses on behalf of the city, and their residence, if known; and take necessary measures to secure the attendance of such witnesses at the time of trial. If any police magistrate be at his office, the said prisoner shall at once be taken before him, and if both parties be ready, a trial may at once be had; but either party may have a continuance for a reasonable time to procure the attendance of witness, without being required to make affidavit therefor; and the prisoner shall enter into a recognizance, with security, to be approved by the magistrate, for his appearance at the time of trial; and in default of such recognizance, he shall be confined in the city calaboose until the time fixed for trial.

Nineteenth—All persons arrested in the night-time, or at other times when no police magistrates' courts shall be open, shall be taken to police headquarters, and a like record made as before provided; and the prisoner shall be confined in the city calaboose until the next morning; or, if arrested on Saturday night, until Monday morning, when the prisoner may be taken before a police magistrate and a trial had, or the case continued, as above provided, in case of prisoners taken before a magistrate when arrested: *Provided*, That members of the police force on night duty, who have made the arrest, or are necessary witnesses, shall not be required to be in attendance at the police court before three o'clock p. m.

Twentieth—Every member of the day police force shall report at police headquarters for roll call and to receive orders at seven o'clock a. m., or at such time as the City Marshal shall direct; and those of the night force shall report for a like purpose at seven o'clock p. m., or at such other time as the City Marshal shall direct.

§ 12. POLICE UNIFORMS.] The following regulations for police officers' uniforms, are hereby adopted:

First—The full dress uniform for all members of the Bloomington city police for winter wear shall be of navy blue cloth, pure indigo dyed, and all wool.

Second—Dress coat for the Marshal and Captain of Night Police shall be a double-breasted frock, buttoning close up under the chin, waist to extend to the top of the hip, and the skirt to within one inch of the bend of the knee, two rows of gold gilt police buttons on the breast, seven in each row, placed at equal distances apart; distance between the rows to be five and one-half inches at the top and three and one-half inches at the bottom, rolling collar of blue black silk velvet, cuffs three and one-half inches deep, with three small gold gilt police buttons at the under seam; one pocket on each inside breast, and one pocket in each skirt behind, one button at the hip ranging with the lowest breast button and one at the end of each pocket, making four on the back and skirt; the body to be well wadded, and the body and skirt to be lined with black Italian cloth, and the sleeves with best light colored silesia.

Third—Coats for all other members of the force shall be the same, except that they shall be single breasted with one row of buttons on the breast, the collar of the same material as the coat, and the sleeves made without cuffs, and buttons on the under seam.

Fourth—The pantaloons shall be made for all members of the force alike, and plain, with one hip pocket in addition to the ordinary pockets.

Fifth—The vests shall be made alike for all members of the force, single breasted, buttoning high in the neck, with standing collar and eight small buttons placed at equal distances.

Sixth—The overcoats for policemen shall be double breasted, buttoning close up under the chin, with turn over collar of same material as the coat, the waist to extend one inch below the top of hip, and the skirt to three inches below the bend of the knee, and all edges shall be swell and stitched one-fourth of an inch from the edge; there shall be two rows of gold gilt police buttons on the breast, five in each row, placed at equal distances, rows to be five and one-half inches in distance from each other at the top, and three and one-half inches at the bottom, four buttons on the back and skirt to range same as on dress coat; there shall be a buckskin lined pistol pocket on the inside left breast, an ordinary pocket on inside right breast, and one behind in each skirt; the body to be well wadded, and the body and skirt to be lined with a light weight

cassimere or its equivalent, and the sleeves lined with heavy light colored silesia of best quality.

Seventh—Overcoat of Marshal and Captain of Night Police the same, except the collar to be covered with blue black silk velvet.

Eighth—The summer uniform shall consist of blue flannel sack coat and pantaloons of the same material. The coat to be single-breasted, with short turnover collar, to button close to the chin, and to reach half way from the hip to the knee, with four buttons on the front; no pockets to show outside. Pantaloons same style as uniform pants.

Ninth—Caps for winter shall be made of the same material as winter uniforms and worn by all members of the force alike except that the words "City Marshal" and "Captain of Night Police" respectively shall appear on front part of cap for those officers, and the appropriate number for each other member.

Tenth—Hats for summer wear shall be such as the City Council may from time to time designate.

Eleventh—Black neckties shall be worn by all members of the force.

Twelfth—All members of the police force, except the City Marshal and Captain of the Night Police shall, while on duty, wear their full uniforms.

CHAPTER XVI.

RAILROADS.

DIVISION 1.—GENERAL PROVISIONS.

DIVISION 2.—AN ORDINANCE GRANTING THE RIGHT-OF-WAY TO THE INDIANAPOLIS, BLOOMINGTON & WESTERN RAILWAY COMPANY.

DIVISION 3. AN ORDINANCE GRANTING THE RIGHT-OF-WAY TO THE LAFAYETTE, BLOOMINGTON & MISSISSIPPI RAILWAY COMPANY.

DIVISION 1.

General Provisions.

SECTION 1. Railroad companies to build and repair crossings, etc.

- " 1. Neglect after notice—penalty.
- " 2. City may build crossings and recover cost.
- " 3. Failure to keep watchmen, etc.
- " 4. Obstruction of street by railroad company.
- " 5. Rate of speed on railroads.
- " 6. Sounding whistle unnecessarily, etc.
- " 7. Street cars—where to stop.
- " 8. Construction.

SECTION 1. RAILROAD COMPANIES TO BUILD AND REPAIR CROSSINGS, ETC.] All railroad companies whose tracks now, or may hereafter, enter or pass through the corporate limits of the city of Bloomington, shall respectively construct, repair, keep and maintain good, safe and sufficient culverts, crossings and bridges, with good and easy approaches thereto, on all public alleys, streets and highways, where their respective tracks pass under, across or over any alley, street or highway, within said city.

§ 2. NEGLECT AFTER NOTICE—PENALTY.] Whenever any crossing, culvert or bridge, shall be needed upon the line of any railroad, within the city, or shall need repairing, it shall be the duty of the Street Commissioner to give to such company ten days' notice, in writing, of the work to be done, and the place where required, and any railroad company neglecting or refusing to construct or repair any crossing, culvert or bridge, after having received ten days' notice so to do, shall be

fined not less than five dollars nor more than fifty dollars, for each day of said neglect or refusal.

§ 3. CITY MAY BUILD CROSSINGS AND RECOVER COST.] In case of the failure or refusal of any railroad company, to construct or repair any crossing, culvert or bridge, when duly notified by the city, or any authorized officer thereof so to do, the City Council may order such crossing, culvert or bridge to be constructed, or repaired, as may be needed, at the expense of the city, and such company shall be liable to the city, in an action of debt, for the cost thereof.

§ 4. FAILURE TO KEEP WATCHMEN, ETC.] Whenever any railroad company shall, in pursuance of a resolution of the City Council, be notified to keep lights at any point on its track crossed by public travel, or to keep a watchman or flagman at any such point, or to take any other measure or precaution which said Council may direct, as conducive to public safety or convenience, and such company shall fail or refuse to do as directed, it shall be fined twenty-five dollars, and each day of failure or refusal to comply, shall be deemed a separate offense.

§ 5. OBSTRUCTION OF STREET BY RAILROAD COMPANY.] No railroad company shall obstruct any street, alley, sidewalk, crossing, or other thoroughfare of said city by leaving thereon any rolling stock for a longer time than ten consecutive minutes, under a penalty of twenty-five dollars; and a further penalty of ten dollars for each succeeding ten minutes that the obstruction is suffered continuously to remain after the first penalty is incurred: *Provided*, that when any such street, alley, sidewalk, crossing or thoroughfare has been so obstructed for five minutes or more it shall then be kept clear by such railroad company a sufficient time to allow all persons to pass, who may be waiting, and for any violation of this proviso the company offending shall be fined twenty-five dollars; and, *Provided further*, that where such obstruction is the result of some unavoidable accident, disaster or emergency beyond the control of such company or its agents, this section shall not apply.

§ 6. RATE OF SPEED ON RAILROADS.] No person or company shall run any locomotive or car at a greater rate of speed than six miles per hour within said city under a penalty of twenty-five dollars for each offense: *Provided*, that this section shall not apply to those portions of the Illinois Central railroad north of Empire street and south of Clay street, nor to those portions of the Indianapolis, Bloomington & Western railroad east of Gridley street and west of the Chicago & Alton railroad, nor to those portions of the Chicago & Alton

railroad north of Seminary avenue and south of Washington street, nor to that portion of the Lafayette, Bloomington & Mississippi railroad east of Gridley street.

§ 7. SOUNDING WHISTLE UNNECESSARILY, ETC.] No railroad company shall cause or allow the whistle of any locomotive engine, belonging to such company or under its control, to be sounded within the limits of said city, with the exception of necessary station and brake signals, and such signals as may be absolutely necessary to prevent injury to persons or property, and in such cases only with the limitation that such whistle shall not be sounded more than five seconds at one time, nor with more than necessary loudness, and every violation of this section shall subject the railroad company offending to a penalty of twenty-five dollars.

§ 8. STREET CARS—WHERE TO STOP.] All street cars running upon Main street within said city, when stopping for the accommodation of passengers at any cross street south of Market shall, if going south, stop with the rear platform at the south crossing of such cross street; and if going north, with the rear platform at the north crossing of such cross street. For every violation of this section by any driver or employe of said street railway company said company shall be fined five dollars for each offense.

§ 9. CONSTRUCTION.] Nothing in this division contained shall be construed to conflict with or repeal any provision of either of the following ordinances, to-wit: An ordinance of the city of Bloomington granting the right of way to the Indianapolis, Bloomington & Western railroad company. Approved October 8th,, 1869.

An ordinance granting the right of way to the Lafayette, Bloomington & Mississippi railway company. Approved November 17th, 1871.

DIVISION 2.

*An Ordinance Granting the right-of-way to the Indianapolis, Bloomington & Western Railway Company.**

SECTION 1. Right-of-way—route—conditions, etc.

- “ 2. Violation of condition—penalty.
- “ 3. Violation of condition five—forfeiture.
- “ 4. Assent of company, what presumed.
- “ 5. When in force.

SECTION 1. RIGHT-OF-WAY—ROUTE—CONDITIONS, ETC.] *Be it ordained by the City Council of the city of Bloomington:* That in consideration of the agreements and stipulations herein after contained, to be kept and performed by the Indianapolis, Bloomington & Western Railway Company, the said company is hereby granted the right-of-way for its road over and along and across the streets and alleys of said city, and is hereby authorized to use a reasonable portion of the streets and alleys of said city for its road, upon the following route, to-wit: Entering the city on the west line thereof, and crossing the Chicago & Alton Railroad between Front and Washington streets, running thence in an east and south-easterly direction, crossing Front street between Orchard Lane and Morris Avenue; thence across Main street between Mayer's mill and the old furniture factory; thence in a south-easterly direction to the city limits; but shall not enter any of the Cemetery grounds unless said City Council shall pass an ordinance specially permitting said company so to do. Provided, however, and said right-of-way is hereby granted to said railroad company upon the following specific conditions, to-wit:

First—Said railroad company shall, at all times, during the construction of its road over, across, or along any of the streets and alleys of said city, protect the public against accidents in the night time by lighting the streets and alleys on which it, its servants, agents or contractors are at work, or by otherwise, protecting persons on foot and teams from falling into excavations or suffering injury from other causes, by reason of the construction of said road; and shall in all cases be liable to private parties for damages resulting to them by

* This ordinance, as also the one contained in the succeeding division, although special in their nature, have been thought of sufficient importance to be printed. They are taken from the records of the city without change, other than the prefixing of titles to the sections.

reason of the negligence of said company, its agents, servants or any person or persons having in charge, by contract or otherwise, the construction of said road through, across, and along any of the streets, alleys, ditches, sewers or culverts of said city.

Second—Said railroad company shall construct, and at all times keep in good repair and unobstructed suitable crossings, of the full width of each street and of easy grade, at the intersection of its road with each and every street now open, or which may hereafter be opened in said city, and suitable crossings of easy grade at the intersection of its road with every alley, ditch, sewer, and culvert, and shall at all times keep every street and alley in and along which its road shall be constructed, in good repair for the use of carriages and teams; and shall construct and maintain sidewalks on both sides of every street now open, or which may hereafter be opened in said city, across the entire width of its right-of-way at the intersections of its road with all such streets, and across all land owned by it which abuts on any street, whenever ordered by the City Council, to lay any of the sidewalks respectively.

Third—Said railroad company shall, as soon as it shall begin to run its cars within the limits of this city, at all times in the night, keep the intersections of its road with every street well lighted, and shall in like manner light the intersections of its road with any and all alleys, when ordered so to do by the said City Council.

Fourth—Said railroad company shall have a bell of at least thirty pounds weight on each locomotive engine, which shall be rung at all times when the engine on which it is shall be in motion on its said road within the limits of this city.

Fifth—Said railroad company shall construct, and at all times, maintain within seventy rods of the place where its road shall cross Main street, in said city, suitable and sufficient freight and passenger depots for the transaction of its local business with the city of Bloomington.

Sixth—Said railroad company, its agents, and servants shall, at all times, be subject to all general police ordinances and regulations now existing, and which may hereafter be adopted by the City Council of this city, relative to railroads and railroad companies, their agents and servants constructing and operating the same within the limits of this city.

§ 2. VIOLATION OF CONDITION—PENALTY.] A failure by said railroad company, its servants, agents or contractors, or any of them, to comply substantially and in good faith with each and

every of the conditions named in any of the foregoing six specific enumerations of conditions, except the fifth of said enumerations, shall subject said company, for each and every of such failures or violations, to a penalty of not exceeding one hundred dollars, which fine may be recovered before any police magistrate of said city, by proceeding in the nature of an action of debt, or as fines are, or may hereafter be, collected by said city, for the violation of its ordinances.

§ 3. VIOLATION OF CONDITION FIVE—FORFEITURE.] A failure by said railroad company, its agents or servants, to comply with the fifth enumeration of conditions, in the first section of this ordinance, shall work a forfeiture of all rights acquired by said railroad company under, and by virtue of this ordinance, for the right-of-way, as hereinbefore granted.

§ 4. ASSENT OF COMPANY—WHAT PRESUMED.] Said railroad company, by entering upon, and taking possession of any of the streets or alleys, or any part thereof, along said route, for the purpose of preparing a road-bed for its said road over, across or along said streets or alleys, thereby agrees to be bound by the foregoing ordinance, and each and every of the conditions and stipulations therein contained.

§ 5. WHEN IN FORCE.] This ordinance shall be in force as soon as published.

Approved, October 8th, 1869.

J. W. COMPTON,
CITY CLERK.

JOHN M. STILWELL,
MAYOR.

DIVISION 3.

An Ordinance granting the right-of-way to the Lafayette, Bloomington and Mississippi Railway Company.

SECTION 1. Right-of-way—route—conditions, etc.

- " 2. Company to construct and repair crosslings and sidewalks.
- " 3. Company to keep crossings lighted, etc.
- " 4. Locomotive bells—gates—flagmen.
- " 5. Company to be subject to ordinances, etc.
- " 6. Violations—penalty.
- " 7. Assent—what presumed.
- " 8. When ordinance in force.

SECTION 1. RIGHT-OF-WAY—ROUTE—CONDITIONS, ETC.] *Be it ordained by the City Council of the city of Bloomington:* That in consideration of the agreements and stipulations hereinafter contained, to be kept and performed on the part of the Lafayette, Bloomington and Mississippi Railway Company, the said company is hereby granted the right-of-way for its road over and along and across the streets and alleys of said city,

for its road, upon the following route, to-wit: Entering the city limits east of the Cemetery and east of the line of the I., B. & W. R. W.; thence along the line of such railway, across Lincoln street and all other streets and alleys, up to and across Center street, in said city, along the line of the I., B & W. R. W. as near as practicable: *Provided, however,* That the said right-of-way is hereby granted to the said company upon the conditions following, to-wit: First, said railway company shall, at all times during the construction of its road over, across or along any of the streets and alleys, of said city, protect the public against accident in the night time, by lighting or other suitable notices at the streets and alleys on which they, their servants, agents or contractors are at work, or by otherwise protecting persons on foot and teams from falling into excavations or suffering injury from other causes by reason of the construction of said road, and shall, in all cases, be liable to private parties for damages resulting to them by reason of negligence of said company, its agents or servants, or any person or persons having in charge by contract or otherwise, the construction of said road through, across, and along any of the streets, alleys, ditches, sewers or culverts of said city.

§ 2. COMPANY TO CONSTRUCT AND REPAIR CROSSINGS AND SIDEWALKS.] Said company shall construct and at all times keep in good repair and unobstructed, suitable crossings of the full width of each street, and of easy grade, at the intersection of its road with each and every street now open or that may hereafter be opened, in said city, and suitable crossings of easy grade at the intersection of its road with alleys, ditches, sewers and culverts, and shall at all times keep every street and alley in and along which its road shall be constructed, in good repair for the use of carriages, and shall construct and maintain sidewalks on both sides of every street now open, or which may hereafter be opened, in said city, across the entire width of its right-of-way. At the intersection of its road with all such streets, and across all lands owned by it which abut on any street, whenever ordered by the City Council to lay any of said sidewalks respectively. Everything required to be done by this section of this ordinance, on the part of said railroad company, shall be done to the satisfaction of said City Council, as they may from time to time direct.

§ 3. COMPANY TO KEEP CROSSINGS LIGHTED, ETC.] Said company shall, as soon as it shall begin to run its cars, within the limits of the city, at all times in the night, keep the intersection of its road with every street well lighted, and shall in like

manner light the intersection of its road with all alleys when ordered to do so by the said City Council.

§ 4. LOCOMOTIVE BELLS—GATES—FLAGMEN.] Said company shall have a bell of at least thirty pounds weight, on each locomotive engine, which shall be rung at all times when the engine on which it is shall be in motion on its said road within the limits of this city. Said railroad company shall also be required at each intersection of its road with the streets of this city, to erect a gate over its said road, which gate shall be kept closed at all times except when opened for the purpose of allowing trains, locomotives and cars to pass, or said company shall station a flagman at each intersection aforesaid, whose duty it shall be to warn passers-by of approaching trains, locomotives and cars, or either or both, as the City Council may from time to time direct.

§ 5. COMPANY TO BE SUBJECT TO ORDINANCES, ETC.] Said company, its agents and servants, shall at all times be subject to all general police ordinances and regulations now existing or which may be adopted by the City Council under and by virtue of their power and authority to pass police ordinances for the government and control of railroads, their agents and servants, within the limits of this city.

§ 6. VIOLATIONS—PENALTY.] A failure by said company or its agents or servants to comply with any of the foregoing provisions, shall subject said company to a penalty of not exceeding one hundred dollars for each and every offense, which may be recovered as prescribed by an ordinance of said City Council.

§ 7. ASSENT—WHAT PRESUMED.] Said railroad company, by entering upon and taking possession of any of the streets and alleys, or any part thereof, along said route, for the purpose of preparing a road-bed for its said road over, across or along said streets or alleys, thereby agrees to be bound by this ordinance, and each and every of the conditions and stipulations herein contained.

§ 8. WHEN ORDINANCE IN FORCE.] This ordinance shall be in force from and after its publication.

Approved November 17, A. D. 1871.

ATTEST:

WM. B. LAWRENCE

CITY CLERK.

B. F. FUNK,

MAYOR.

CHAPTER XVII.

REVENUE.

SECTION 1. Finance Committee to present estimates to Council.

- " 2. Council to certify amounts to County Clerk.
- " 3. Manner of extending taxes—Collector's duties.
- " 4. Delinquent taxes to be returned to County Collector—his duties.
- " 5. Examination of Collector's books—settlement.
- " 6. Moneys due city to be paid to Treasurer.

SECTION 1. FINANCE COMMITTEE TO PRESENT ESTIMATES TO COUNCIL.] The finance committee of the City Council of the city of Bloomington, shall at, or before the second regular meeting, held in the month of July of each year, present to the City Council separate estimates of the probable expenditures of the city, during the next succeeding fiscal year, for the following purposes, to-wit:

First—To defray contingent and other expenses of the city not otherwise provided for.

Second—To defray the police expenses of the city.

Third—To defray the expenses of lighting the streets of the city.

Fourth—To defray the expenses of cleaning and repairing the streets and alleys of the city.

Fifth—To pay the interest on all debts bonded or otherwise owing by the city.

Said committee shall at the same time present an estimate of the probable receipts of the city during such year, from fines, special assessments, licenses and other sources, and also inform the Council of the total assessed valuation of the property of the city, as shown by the Assessor's books, what per cent. of taxes is likely to prove delinquent, and also give such further information as may enable said Council to determine the several amounts to be raised by taxation for such year.

§ 2. COUNCIL TO CERTIFY AMOUNTS TO COUNTY CLERK.] The City Council shall act upon the estimates so presented by the finance committee, and determine the amount to be raised by taxation for each specific purpose estimated, not in any case exceeding the maximum rate per cent. upon the taxable property of the city, which is fixed and established by the city charter; and on, or before the second Tuesday in August, after the presenting of said estimates, said Council shall cause the amounts so determined upon by them, to be certified to

the County Clerk of McLean county, to be by said Clerk extended upon the tax books as provided by law; and if any other than the regular town assessors shall have been appointed as the assessors of said city, said Council shall require said Clerk to extend the taxes of the city upon a separate book or books, and not upon those of the regular town collectors.

§ 3. MANNER OF EXTENDING TAXES—COLLECTOR'S DUTIES.] The said County Clerk shall make out and extend upon the book or books as directed, each person's tax computed according to the rate per cent. the amount to be raised is of the whole assessed value of the property of the city.

§ 4. DELINQUENT TAXES TO BE RETURNED TO COUNTY COLLECTOR—HIS DUTIES.] Delinquent city taxes, and assessments, shall be returned to the County Collector of McLean county, to be by him collected, as provided by law in the case of delinquent State and county taxes, and he shall proceed to collect the same, and to procure judgments against delinquent lands and lots, and to sell the same for delinquent city taxes and assessments at the same time, and in the same manner, as is by the statutes of the State of Illinois provided in the case of State, county and other taxes; and said County Collector shall, from time to time, when requested by the finance committee of the City Council, make statements of the several amounts of city taxes collected by him, or being delinquent in his hands, and he shall pay over to the City Treasurer, when required, all moneys in his hands belonging to the city.

§ 5. EXAMINATION OF COLLECTOR'S BOOKS—SETTLEMENT.] It shall be the duty of the finance committee of the City Council, and the City Treasurer, annually, to make an examination of the books, accounts and vouchers of the City and County Collectors, and make a settlement with each of them, for all city taxes and assessments collected by them respectively, which settlements shall be made subject to the approval of the City Council; and said County Collector shall, on or before the fifteenth day of July, in each year, make to the City Council a like statement, to that required of the City Collector respecting delinquent city taxes and assessments.

§ 6. MONEYS DUE CITY TO BE PAID TO TREASURER.] No payment of any license fee, water rent, or other sum due the city, excepting judgments, court costs and taxes, shall be taken to be lawfully made, or to be binding upon the city, unless made to the City Treasurer, in person, or to some person authorized by said Treasurer to receive the same, and for whose acts said Treasurer is responsible; and whoever shall, without due

authority from said Treasurer, or from the City Council, collect or receive any moneys due said city, whether an officer of said city or not, shall be fined not exceeding one hundred dollars, for each offense.

CHAPTER XVIII.

SPECIAL ASSESSMENTS.

[This ordinance is republished from the city records without change.]

SECTION 1. Article nine of general law adopted.]

Be it ordained by the City Council of the city of Bloomington,
That article nine of an act of the Legislature of the State of Illinois, entitled "An act to provide for the incorporation of cities and villages," approved April 10th, A. D. 1872, be and the same is hereby adopted by the city of Bloomington.

Approved July 5th, 1872.

B. F. FUNK.

ATTEST:

MAYOR.

W. B. LAWRENCE,
CITY CLERK.

CHAPTER XIX.

SUPPLIES AND CLAIMS.

SECTION I. Time contracts—duration, etc.

- " 2. Requisition—when made.
- " 3. Who to purchase—order and bill.
- " 4. Claim for goods not ordered not to be allowed.
- " 5. Bill—what to contain—certificate.

SECTION 1. TIME CONTRACTS—DURATION, ETC.] All supplies or materials for the city of Bloomington shall, when practicable, be purchased under time contracts, the same to be let upon advertisement to the lowest and best bidder, as the City Council may determine. No time contract to furnish any supplies or materials excepting gas shall cover a longer period than one year.

§ 2. REQUISITION—WHEN MADE.] Any officer or person having charge of any department of the city government shall, whenever any supplies or materials are needed in his department, for the furnishing of which the city does not hold a

time contract, make out and present to the City Council in session, a written requisition setting forth the article or articles needed, and the price thereof, if known.

§ 3. WHO TO PURCHASE—ORDER AND BILL.] The Council shall, at the time of ordering the purchase of any supplies, designate who is authorized to make the purchase; and every officer or person ordering any article from a distance for the city, shall file with the City Clerk a copy of the order sent by him, and also the bill of the article so ordered, as soon as the same is received.

§ 4. CLAIM FOR GOODS NOT ORDERED NOT TO BE ALLOWED.] No account or claim for any article furnished to the city shall be allowed unless such article was ordered to be purchased by the Council, or unless the purchase thereof was the result of an emergency which could not reasonably have been foreseen in time to present a requisition to the Council.

§ 5. BILL—WHAT TO CONTAIN—CERTIFICATE.] Every bill presented to the City Council for allowance shall contain an itemized statement of the articles for which payment is sought, and shall be certified to by the officer under whom the liability was incurred; and all orders for the payment of foreign claims or accounts shall be issued to the finance committee of the City Council, whose duty it shall be to transmit the same or the proceeds thereof to the respective persons to whom such payments may be due.

CHAPTER XX.

WARDS.

SECTION 1. Division of city into wards.

SECTION 1. DIVISION OF CITY INTO WARDS.] The city of Bloomington shall be divided into six wards, as follows:

First Ward shall include all that part of the city lying north of Front street, east of Main street, and south of Chestnut street.

Second Ward shall include all that part of the city lying north of Front street, west of Main street, and south of Chestnut street.

Third Ward shall include all that part of the city lying south of Front street and west of Main street.

Fourth Ward shall include all that part of the city lying south of Front street and east of Main street.

Fifth Ward shall include all that part of the city lying north of Chestnut street and west of Lee street.

Sixth Ward shall include all that part of the city lying north of Chestnut street and East of Lee street.

CHAPTER XXI.

WATER SUPPLY.

SECTION 1. Water board.

- “ 2. Constitution of water bond—clerk.
- “ 3. Meetings—president—compensation.
- “ 4. Superintendent, appointment and bond.
- “ 5. Duties of superintendent.
- “ 6. Clerk's duties—records.
- “ 7. Plat of water mains, etc.
- “ 8. Report of water bond.
- “ 9. Right of Council to control.
- “ 10. Taking water from public hydrant, etc.—penalty.
- “ 11. Other offenses—penalty.
- “ 12. Rules and regulations for the introduction of water.
- “ 13. Rules and regulations for the government of plumbers.
- “ 14. Manner of collecting rents.
- “ 15. Rates of water rent.
- “ 6. Assessment of water rent, etc.

SECTION 1. WATER BOARD.] The water-works of said city shall be placed under the control and management of a Water Board, with power to do all such acts as may be necessary for the prudent and efficient management and protection of said works, not inconsistent with the ordinances of said city, and the rules and regulations established, or which may hereafter be established by the City Council of said city, in relation to said works.

§ 2. CONSTITUTION OF WATER BOARD—CLERK.] The said Water Board shall be composed of three members of the City Council. On the taking effect of this ordinance, it shall be the duty of the Mayor to appoint three members of the City Council to serve on said Board until the first regular meeting of the City Council after the next annual municipal election, at which meeting, and annually thereafter, the Mayor shall, in like manner, appoint three of its members to serve on said Water Board for the ensuing year, and until their successors

shall have been appointed. The City Clerk shall be the clerk of said Board, whose meetings it shall be his duty to attend, and keep a full and complete record of the proceedings of said Board, and to do and perform such other acts as the Board may require.

§ 3. MEETINGS—PRESIDENT—COMPENSATION.] It shall be the duty of said Water Board to meet in regular session on the first Tuesday evening of each month, for the transaction of business, and may hold adjourned meetings as often as may be necessary to dispose of the business before them. At the first regular meeting of the Board, and at its first regular meeting after each annual election, it shall select from its members a President, who shall serve as such until his successor shall have been selected. In the absence of the President, any other member of the Board may act as President for the time being. Any member of the Board may call a special meeting at any time when an emergency may require it. Whenever the President or any other member of the Board shall deem it expedient to call a special session of the Board, he shall notify the clerk thereof, whose duty it shall be immediately to notify the remaining members of such meeting. All meetings of the Board shall be held at the council chamber, unless otherwise ordered by the Board. Vacancies in said Board may be filled by the Mayor until the next annual appointment of its members. The members of said Board may be paid such compensation for their services as the City Council shall deem proper.

§ 4. SUPERINTENDENT—APPOINTMENT AND BOND.] A Superintendent of the Water Works shall be appointed as provided by law, who shall take the oath required of city officers in the manner prescribed by law. Such Superintendent shall, before entering upon the duties of his office, execute a bond to said city, in the penalty of two thousand dollars, with surety to be approved by the City Council, conditional for the faithful performance of the duties of his office, and to save and keep harmless said city from all damages, costs and expenses arising from any negligence, carelessness or want of skill in exercising the functions, or performing the duties of his office.

§5. DUTIES OF SUPERINTENDENT.] The Superintendent shall, under the direction and supervision of the Water Board, have the control and management of the Water Works of said city. He shall keep his office at the City Clerk's office, and shall, with the advice and consent of the Water Board, appoint such assistants as the Board may deem necessary. The compensation of such assistants to be determined by the

City Council. The Superintendent, by himself or assistants, shall remain at his office during reasonable hours, and maintain a vigilant and continual oversight over the machinery, stand-pipe and fixtures connected with the Water Works. He shall exercise a watchful care over the distributing water pipes, valves, hydrants, and all other fixtures connected with the system of water distribution and water supply of said works, and be at all times in readiness to promptly repair any damage to the same. He shall keep at his office a full and complete record of all permits issued for taking water from the distributing mains or pipes, together with such other books or records as the Water Board may require. Such Superintendent shall, in addition, perform such other duties as in this ordinance may be required, or as may be required by the Water Board or City Council.

§ 6. CLERK'S DUTIES—RECORDS.] The clerk of the Water Board shall, under its direction, cause a record book to be made, in which to record the proceedings of the board, and such other record books as may be deemed necessary, including a tap record, an assessment record, and all other books and blanks for a full and complete account of all the transactions of the Board in connection with said Water Works.

§ 7. PLAT OF WATER MAINS, ETC.] The Water Board shall cause to be prepared a full and complete plat or chart, showing the location of all the distributing pipes or mains belonging to the system of Water Works, together with the location of all valves, fire hydrants and fire plugs connected therewith.

§ 8. REPORT OF WATER BOARD.] The Water Board shall annually, before the last regular meeting of the City Council, previous to each annual municipal election, and at such other times as the City Council may direct, report to the City Council the operations of said Water Board, which reports shall show the true condition of the works, the additions and improvements made thereto during the year, and the number of permits issued to water takers; also a detailed account of the receipts and expenditures on account of the Water Works, including water rents collected, and the amount of rents delinquent, and such other information and suggestions as the Council may direct, and in their first annual report, such board shall embrace a detailed statement of the entire cost of said works, as near as they can ascertain the same.

§ 9. RIGHT OF COUNCIL TO CONTROL.] The City Council reserves the right to control and direct the said Water Board, and said Superintendent, as to their duties, by resolution, whenever in its opinion the interest of the city may require

it, anything in this ordinance contained to the contrary notwithstanding.

§ 10. TAKING WATER FROM PUBLIC HYDRANT, ETC.] No person, unless authorized by the Water Board, the Superintendent, or by the City Council, shall, except in time of fire, take water from any public fire plug, or hydrant, or remove the cover from the same, or place or deposit any earth or other material in any such fire plug, or hydrant, or in the box or appendage thereto, or turn any private or public stop-cock, or commit any act tending to obstruct the use thereof, or injure in any manner any building, machinery, pipe, apparatus, or fixture of the city Water Works; and when fire hydrants or plugs are placed on public or private grounds by companies or individuals, the use of the same, except in case of fire, is prohibited. Whoever shall violate any provision of this section, shall be fined, not less than one dollar, nor more than one hundred dollars, for each offense.

§ 11. OTHER OFFENCES—PENALTY.] No person shall take any water from any public or private hydrant, plug, street-washer, draw-cock, hose, pipe, fountain, cistern, street reservoir, or fountain basin, which shall have been filled in whole or in part from the city Water Works, except by permission from the Water Board or Superintendent; nor shall in any way use or take any water for private use which is furnished by the city Water Works, unless such person, company or corporation, shall first pay for the same and receive the usual permit from the Superintendent so to do. Whoever shall violate any provision of this section, shall be fined not less than one dollar nor more than one hundred dollars.

§ 12. RULES AND REGULATIONS FOR THE INTRODUCTION OF WATER.] The following rules and regulations for the introduction and management of service pipes, and the supply of water from the city Water Works, are hereby established.

First—No person, company or corporation, shall be permitted to tap or make any connection with the distributing pipes of the Water Works of the city of Bloomington, unless duly authorized by the Water Board.

Second—Applications for a permit to connect service or supply pipes with the distributing mains, must be made to the Superintendent, who shall ascertain the cost of the ferrule desired, and upon receiving payment therefor he shall deliver to the applicant the said ferrule and issue the desired permit to any licensed plumber designated by the applicant. The Superintendent shall keep a record of all permits issued and

the amounts received therefor, and shall pay all money so received to the City Treasurer, and make such report as the Water Board may direct.

The prices for ferrules shall be established by the Water Board.

The clerk shall file the Treasurer's receipt and charge him with the sum paid.

Third—It shall be the duty of the Water Board to make all purchases of ferrules, or other materials or supplies necessary for use in the management of the Water Works, under such rules and regulations as the City Council shall determine, and all accounts for such purchases shall be audited by the Board before being presented to the City Council for payment. The Water Board shall cause an accurate account to be kept of all purchases made or expenses incurred on account of the works. And the Superintendent shall account to the Water Board for all supplies procured for the use of his office.

Fourth—The material used for service pipe must conform to the standard given in the rules governing plumbers.

Fifth—Service pipe intended to supply two or more distinct premises or tenements, must be provided with separate and distinct stop-cocks for each tenement on the outside of the same; or when only one stop-cock is used, the person or persons controlling the same must pay the water rent of all parties who are thus supplied, as separate water rates will not be made.

Sixth—Persons taking water must keep their service pipes connecting with mains or supply pipes, and all fixtures connected therewith in good repair, and protected from frost, at their own expense, and must prevent all unnecessary waste of water.

Seventh—No addition to, or alteration whatever of any tap, pipe, water-cock or other fixtures, shall be made, or caused to be made, by any persons taking water, except through a duly licensed plumber, and a permit first obtained from the Superintendent, as provided in rule second.

Eighth—Hydrants, taps, hose, water-closets, urinals, baths or other fixtures, will not be permitted to be kept running when not in use.

Ninth—Applications for water must state fully all purposes for which it is required. Parties must answer without concealment all questions put to them by the Water Board, or Superintendent, relating to its consumption.

Tenth—Water takers will not be allowed to supply others except by special permit from the Superintendent or Water

Board. If found doing so without permit, the supply will be stopped and the water rent paid forfeited.

Eleventh—Fountains shall not be used longer than six hours per day, and not earlier than six o'clock a. m. nor after nine o'clock p. m. during the summer season, unless specially permitted and on additional payment; and the right is reserved to suspend their use whenever the public exigency may require it. Fountains and private hose shall not be used in time of fire, except the use of the hose for protection from fire. All persons using fountains are required to immediately shut off the water upon an alarm of fire. Any violation of the provisions of this rule shall subject the offender to a penalty of not less than one dollar nor more than fifty dollars.

Twelfth—Sprinkling streets, sidewalks and lots is restricted to two hours per day, to-wit: between the hours of five o'clock a. m. and nine o'clock p. m. unless by special contract with the Water Board. Any person violating this rule shall forfeit and pay as a penalty any sum not less than one dollar nor more than fifty dollars.

Thirteenth—In sprinkling streets and sidewalks, each water taker shall confine himself to the front of his premises, and one-half the width of the street in front thereof, unless a special contract is made to use more water. Hose larger than three-fourths of an inch will not be permitted for such purposes, except by a special contract. Sprinkling without nozzle, or with an opening greater than one-fourth of an inch, is strictly forbidden. Any violation of this rule shall subject the offender to a penalty of not less than one dollar nor more than fifty dollars.

Fourteenth—The regular water rent for street, sidewalk and lot sprinkling will be based upon such use only for dust laying or sprinkling purposes fairly applied, and any excessive or unreasonable use of water is prohibited. Any violation of this rule shall subject the offender to the same penalties as prescribed in rule thirteen.

Fifteenth—If a street washer or hose is found out of order, leaking, or converted into a jet or jets, or suffered to run when not used by a person engaged in sprinkling, the supply will be cut off without previous notice.

Sixteenth—No lease of water will be made for a shorter period than one year, and the fraction of the year (if any) preceding the first quarter of water rents falling due. This rule, however, shall not apply to special cases, where water may be required for an indefinite period. In the latter case the Water Board shall regulate the manner of taking water.

Seventeenth—All water rents, except as herein otherwise provided, shall become due, in advance, on the first days of June, September, December and March of each year. The fractional water rents from the time of letting on of water to the falling due of the next quarterly payment of rents, shall be assessed with those then falling due and collected therewith. Special rates and assessments shall be assessed and collected by bills, or otherwise, as the Water Board shall direct. All water rents shall be collected by the City Treasurer.

Eighteenth—If any person, company, or corporation shall neglect or refuse to pay his, her, or their water rents when due, or permit any use of water not authorized by this ordinance, or suffer any waste in water supplied from the City Water Works, the Water Board may, in addition to the other penalties herein provided, cause the water to be immediately turned off, and the same shall not be turned on again until all back rents, penalties and damages shall be paid, and the further sum of one dollar for turning off and on water.

Nineteenth—In cases where the water has been turned off, as provided in rule eighteenth, or for any other cause in this ordinance prescribed, and the water is found on again, or when, in the opinion of the Water Board, the turning off of the water on the stop-cock is not a sufficient protection against a further use of the water, it shall be lawful for the Water Board to cause the ferrule to be drawn. Upon a re-application for the water, when the ferrule has been drawn, an additional charge corresponding with the price fixed in rule two, for inserting the ferrule shall be made.

Twentieth—In all cases where there is a cistern on or near the line of two separate premises, so situated that it can be filled from a hydrant, hose or pipe connected with the Water Works, and liable to be used by the occupants of both, the water shall not be allowed to either unless the water rent for both premises is paid, or the party who may wish the water turned on shall fasten a permanent cover on such cistern, so as to satisfy the officers of the works that such cistern will not be filled from water of the City Water Works.

Twenty-first—The Water Board is authorized to apply meters to any service pipe as it may deem advisable.

Twenty-second—The members of the Water Board, and the Superintendent of Water Works, or his assistants, shall have free access, at all reasonable hours of the day, to all parts of the premises to which water is supplied, to make necessary examinations.

Twenty-third—The consequence of the violation of the preceding rules will be, in the discretion of the Water Board, or the Superintendent, the stoppage of the supply of water without any preliminary notice; and it will not be restored except upon the payment of all arrearages and damages, and upon a satisfactory understanding with the party offending, that no future cause of complaint shall arise.

Twenty-fourth—In all cases when any servant, apprentice or minor shall be guilty of any breach of the preceding rules and regulations, the master, mistress, employer, parent or guardian of such guilty person shall be responsible for and subject to prosecution for such violation, and liable to the city for all damages occasioned thereby. In addition, the person so offending shall be liable to the penalty for the offense, if any penalty there be.

Twenty-fifth—Any orders or rulings of any of the officers connected with the Water Works, in relation to the foregoing rules and regulations, may be modified or rescinded by the full Water Board, and the orders or rulings of the Water Board may be modified or rescinded by resolution of the City Council.

§ 13. RULES AND REGULATIONS FOR THE GOVERNMENT OF PLUMBERS.] Plumbers for the city Water Works shall be governed by the following rules and regulations:

First—No person or firm shall make any connection or attachment with the pipes of the Water Works of the city, nor make any repairs, additions to, or alterations of any tap, pipe, cock, or other fixtures connected with said service water pipes, unless as a plumber or plumbers, duly licensed as herein required.

Second—Any individual or firm, wishing to do business as plumbers, connected with the Water Works, shall, before receiving any permit to do so, file his or their petition with the clerk of the Water Board, stating his or their place of business, and asking to be licensed as a plumber or plumbers in connection with the city Water Works, stating his or their willingness and consent to be governed by the ordinances, by-laws and rules and regulations of the City Council, in relation to said works, which petition shall be presented to the Water Board by its clerk, and if the Board shall be satisfied that the party or parties making such application are qualified to be licensed, the Board shall grant the prayer of said petition, and shall order its clerk to issue to such person or persons a formal license under his hand and the city seal, constituting such person or persons a plumber or plumbers of the Water Works

of said city, but before receiving such license, the applicant or applicants shall execute his or their bond to said city, with surety to be approved by the Water Board of said city, in the penalty of two thousand dollars, conditioned for the due performance of his or their duties as such plumber or plumbers, and save and keep harmless said city from all damages arising from the negligence of himself or themselves, or his or their servants and employes, or for any carelessness or unskillfulness in the exercise of his or their business as plumber or plumbers for such Water Works. Such licenses to run for one year, unless sooner revoked by said City Council. Every plumber, so licensed, shall be subject to, and conform to all the ordinances, rules, regulations and penalties which now exist, or which may hereafter be passed by said City Council in relation to said Water Works. The fee for such license shall be one dollar.

Third—Any plumber leaving the city, at the same time discontinuing his business here, shall forfeit his license.

Fourth—Every attachment or connection with the pipes of the Water Works shall be made in the presence of the Superintendent or his agent, and to his satisfaction, at the expense of the applicant, for which a permit shall have been previously obtained in accordance with rule number two, in section number twelve, of this ordinance.

Fifth—No plumber shall be permitted to enter pipe or conduct water into any two distinct premises or tenements, unless separate and distinct stop-cocks shall be placed on the outside of such premises on the sidewalk or in the public alley opposite the same, in addition to the main stop-cock on the sidewalk, opposite the ferrule, as the Superintendent may direct; unless the person or persons controlling the main stop-cock pays all water rents for the premises thus supplied.

Sixth—All connections shall be provided with a good and sufficient casing of iron or wood pipe, in the discretion of the Superintendent. The cover of the casing shall be of cast iron, with the letter "W" cast thereon. The same to be placed in the sidewalk near the curb, so that the latter may be seen from the sidewalk. The separate stop-cock casing covers for several tenements to be of cast iron and marked with "W." Every service pipe must be provided with a stop and waste, so situated that the water can be conveniently shut off and drained from the pipe, to prevent freezing.

Seventh—All stop-cocks used for service pipes of one inch water-way or less, to be provided with a T handle not less than 7-16 of an inch, and not more than $\frac{1}{2}$ of an inch in width

across the handle. The stop-cock used for service pipes above one inch of water-way to two and one-half inches, to have a square top to the plug measuring one and three-eighths of an inch on each side of the square. Three inch stop-cocks to have an oblong top, three and one-fourth inches long by one and one-fourth inches wide.

Eighth—In places where the stop-cock has to be placed deeper than six feet, a stationary wrench which comes up to the ordinary depth of the cock, shall be put on. The top of wrench to be formed like the top of the stop-cock, and the rod to work in a guide immediately below its top or handle.

Ninth—All stop-cocks used by the plumbers, on the sidewalks, as well as those used for street and lot sprinkling, hydrants, water-closets, etc., shall be subject to the inspection and approval of the Superintendent, and the stop-cock casing to be equal to the sample in the Water Works office.

Tenth—No service pipe between the ferrule and the stop-cock on the sidewalk shall be laid less than five feet below the surface of the street grade. The material used for such service pipe, shall in each and every case be subject to the inspection of the Superintendent or his agent, and if found defective, or below the standard established by the ordinances, its use will not be permitted.

Eleventh—In all streets where distributing pipes are laid, the service pipe shall be of lead or iron.

Twelfth—The following weights per lineal foot for lead pipe, is the standard for service pipe, to-wit:

Lead pipe	inch	bore,	2 lbs.	0 oz.	per "	lineal foot
" "	"	"	2 lbs.	7 oz.	"	"
" "	"	"	3 lbs.	0 oz.	"	"
" "	"	"	3 lbs.	10 oz.	"	"
" "	1	"	4 lbs.	12 oz.	"	"
" "	1 $\frac{1}{2}$	"	6 lbs.	0 oz.	"	"
" "	1 $\frac{1}{2}$	"	8 lbs.	2 oz.	"	"
" "	1 $\frac{1}{2}$	"	7 lbs.	4 oz.	"	"
" "	2	"	9 lbs.	8 oz.	"	"

On all lead service pipe wiped joints to be made without any exception.

Thirteenth—No person shall dig up the earth or remove the planks, bricks, stone pavement or flagging, in any street, sidewalk, lane, alley or other public grounds in said city, for the purpose of laying or repairing any service pipe, except such person or persons shall have received a permit from the Superintendent previous to the commencement of such digging or removal. In removing pavement, etc., the material dug or taken up must be deposited in such a manner as to guard

against any inconvenience to the public by obstructing the streets, alleys, or sidewalks, nor shall any hole, or trench in any street, alley or sidewalk, or other public place be left open during the night, unless amply protected from accident.

Fourteenth—The replacement of earth, brick, stone or other material so disturbed shall be done by skillful workmen, to whose particular profession such work belongs, and the street, sidewalk or lane, alley or public ground shall be left in as good and solid condition as it was before such excavations were made. Where stop-cock casings are set into the flagging or pavement of the sidewalks, the stones to be neatly cut, and the casing to be accurately fitted and finished, so that the cover shall be even with the surface.

Fifteenth—In all cases where boilers are supplied, a suitable vacuum or safety valve must be applied to prevent damage from collapsing, or otherwise, when the water is shut off from the street mains. Check valves are not permitted to be used except on special permission in writing of the Water Board.

Sixteenth—Within forty-eight hours after completing any attachment or connecting with the water mains, the plumber shall make a full, true, and complete report in writing, of the number of rooms on the premises to which water is supplied, or other contemplated use of water thereon, according to the rules and regulations and the tariff of water rates established by the City Council, and file the same with the Superintendent, who shall thereupon cause the water to be turned on. This report shall also contain accurate and complete measurements of the distances, north, south, east or west, from the corner of the nearest street, lane or public alley, from which the stop-cock is placed. The measurement to be made in a direct line with the front of the house or fence on the corner, and the name of the street or alley containing the pipe into which entry has been made, and whether the stop-cock is on the north, south, east or west side of the same. Every return must be full and complete in every particular. These returns, after being examined and approved by the Superintendent, shall be delivered to the clerk of the Water Board, to enable him to compile his tap and assessment records, after which the clerk shall file such returns and carefully preserve the same in his office.

Seventeenth—No plumber shall make any attachment to any old pipe, or other fixtures which have been shut off by the proper officers, or which are out of use, without first having obtained permit or re-issue as hereinafter provided. Nor

shall any plumber make any addition to or alteration of any tap, pipe or cock, or other fixtures attached to the Water Works, except by special written or printed permit first obtained; and the plumber shall report such change in writing in a concise manner within twenty-four hours thereafter, and the additional water rent occasioned thereby shall be assessed and collected with the next quarterly collection of water rents.

Eighteenth—Plumbers making repairs to hydrants or other fixtures attached to the Water Works, in cases where the water has been turned off on account of leakage or other defects, shall give the owner or occupant of the premises a written certificate that such fixtures have been properly repaired, which certificate having been filed with the Superintendent will be sufficient evidence that such repairs have been made. Thereupon the Superintendent shall turn on the water. But water shall not be turned on unless the certificate is satisfactory to the Superintendent.

Nineteenth—No plumber shall, after making any connections with the street mains, or after making repairs, or putting in any new attachment, leave the stop-cock open and the water on the premises.

Twentieth—No hydrant shall be placed in any front yard or common area of any premises so situated as to be accessible to persons living in or occupying neighboring premises, unless the person or persons controlling such hydrant becomes responsible for and pays the water rent for all persons so accessible, subject however to the discretion of the Water Board.

Twenty-first—No service pipe shall be entered by any plumber or other person in any premises where a ferrule has been previously inserted, or water conveyed for the purpose of giving an increased supply, except in conformity with, and subject to, the rules and regulations herein contained. Nor shall any two ferrules be entered into any of the distributing mains within the distance of two feet of each other, or nearer than eighteen inches of the end of any pipe, nor shall any change of ferrule be made on any premises, where the use of the water has been previously had or obtained, until the ferrule previously used shall have been drawn, and the opening where such ferrule was inserted shall have been securely stopped by a brass plug, at the expense of the party asking such change.

Twenty-second—No ferrule shall be inserted in any of the distributing mains above the size of three-quarters of an inch inside diameter of opening, unless with the consent of the Water Board, and in all cases where ferrules of a larger size are asked, permits shall only be granted to enter such ferrules

of extra size, on condition that the party procuring such grant shall be at the expense of putting on in addition a suitable iron clamp, as shall be determined by the Superintendent. The ferrule to be inserted into both the clamp and distributing pipe in such a manner as to fully preserve the strength of the pipe, and securely hold the ferrule and prevent leakage.

Twenty-third—Any plumber or other person violating any of the rules contained in this section, shall, for such offense, forfeit and pay as a penalty any sum not less than one dollar nor more than one hundred dollars, and be liable in damages to any person for injuries resulting from the violation of said rules. For a second violation of said rules by any plumber, he shall, in addition to the penalty above incurred, forfeit his license, or the license of his firm. For any injury or damage to said Water Works or fixtures, caused by the carelessness, neglect, or want of skill in any plumber or plumbers, or his or their employes, he or they shall be liable to an action on his or their bond for the damages sustained by said city by reason of the breach or breaches of the condition of said bond.

§ 14. MANNER OF COLLECTING RENTS.] The water rents accruing to said city from the Water Works shall be collected in the following manner:

First—The City Clerk shall, on the first business day preceding the first of June, September, December and March, of each year, make out and deliver to the City Treasurer, a duplicate of the assessment book, containing a full and complete list of all water rents due to said city at the time of delivering said duplicates. Such duplicate to be prepared in form similar to the tax duplicate with proper ruled columns and headings, so as to contain the name and residence, with the number of the permit, and amount of water rent due from each person, company or corporation, showing in separate columns, the fractional rent due from the time of letting on water, the advance rent due for the ensuing three months, rents delinquent with penalty, interest and costs. Upon such duplicate the Clerk shall attach his warrant directing the Treasurer to collect such rents pursuant to the ordinances of said city.

Second—Immediately on receiving such duplicate the Treasurer shall give notice in the corporation newspaper, that the duplicate for water rents has been placed in his hands for collection, and notifying parties owing water rents to pay the same to him at his office within twenty days, and unless the same are paid within that time, he would, by himself or

deputy, make a personal demand of payment, and exact ten per cent. in addition, to pay the expense of collection.

After receiving such duplicate, the Treasurer shall, by himself or deputy, attend at his office during business hours, for twenty days, to receive such water rents from parties voluntarily paying the same. At the expiration of twenty days, the Treasurer shall, by himself or deputy, immediately proceed to make a personal demand (of parties who have not paid,) for the water rents charged against them on said duplicate, such demand to be made within ten days after the expiration of the twenty days allowed for voluntary payment. The Treasurer shall deliver to each party paying rent a receipt therefor. The Treasurer shall, at the expense of the city, procure proper printed blank receipts for payment of water rent.

Third—Within ten days after the expiration of the thirty days allowed for the collection of said water rents, the Treasurer shall return the duplicate to the Clerk with all water rents collected thereon marked *paid*, and the date of payment. The Clerk, upon receiving such duplicate shall enter such delinquents, and credit the Treasurer with the amount of such delinquent water tax, so that the Treasurer will only stand charged with the amount of rents collected, and make a final settlement with the Treasurer in the same manner as required by law in the settlement of municipal taxes collected by the Treasurer.

Fourth—Upon the return of said duplicate and final settlement made as aforesaid, it shall be the duty of the Clerk to report such delinquents to the Water Board, at its next regular meeting, whose duty it shall be to re-assess the same, with ten per centum penalty and interest to the next quarterly payment of water rents. The Water Board may, however, if in its opinion the same is necessary to protect the interests of the city, cause the Superintendent to shut off the water from any of the parties so delinquent.

Fifth—Whenever parties shall, after the second demand for payment of water rents, still fail and neglect to pay the same he or they so failing and neglecting shall forfeit and pay as a penalty any sum not less than five dollars nor more than one hundred dollars; or the Water Board may in its discretion direct the City Attorney to collect the same by action at law in the name of the city.

§ 15.—RATES OF WATER RENT.] The following tariff of rates for water rents shall be established, to-wit:

	Per annum.
Business houses, 18 to 24 feet front for basement and first floor, all occupied by same party, (one tap).....	\$ 5.00
Bakeries	10.00
Barber shop, first chair.....	3.00
Barber shop, for 2d and 3d chairs, each.....	2.00
Barber shop, for each additional chair.....	1.50
Bathing tubs, public, each.....	6.00
Bathing tubs, private, each.....	3.00
Blacksmith shop, one fire.....	3.00
Blacksmith shop, each additional fire.....	1.00
Billiard room, first table or water basin, or basins used in con- nection therewith	3.00
For each additional table.....	1.00
Boarding house, each room.....	1.00
Bowling alley, for first alley.....	3.00
For each additional alley.....	1.00
Bookbindery	3.00
Building purposes, brick per 1,000 kiln count08
" " stone per perch.....	.05
" " plastering per square yard.....	.01
Candle and soap factory, to be assessed.....	
Candy factory.....	15.00
Churches	5.00
Church for baptistry.....	10.00
Cigar factory, for first hand.....	3.00
" " for each additional hand.....	.75
" " no license issued for less than.....	8.00
Cows, each.....	1.00
Dyeing and scouring houses.....	15.00
Dentist's rooms.....	3.00
Dwelling houses, four rooms or less.....	4.00
" " each additional room.....	.50
" " and store, extra charge for store.....	
Foundries and machine shops to be assessed.....	
Fountains, six hours per day for six months, 1-16 inch opening	6.00
Fountains, $\frac{1}{2}$ inch opening.....	10.00
Fountains, $\frac{1}{4}$ inch opening.....	25.00
Fountains, for larger sizes, special rates.....	
Gas works to be assessed.....	-
Hose for sprinkling lots, 66 feet or less front, $\frac{1}{4}$ inch nozzle, one hour each day.....	6.00
Hose, private, each	1.50
Hotels, each room.....	1.00
Ice cream saloon.....	10.00
Laundry, special rates.....	3.00
Livery stable, per horse.....	3.00
Malt house, to be assessed.....	5.00
Meat market, same as business house.....	3.00
Offices.....	
Oil mill, to be assessed	
Photograph gallery.....	10.00
Printing offices.....	19.00
Printing offices, with steam, per horse power, extra.....	3.00
Restaurant.....	\$5 to 25
Schools, private for every 25 scholars.....	2.50
Shops, ten persons or less.....	5.00
Shops, each additional person.....	.40
Soda factory, to be assessed.....	

	Per annum.
Soda Fountains.....	10.00
Saloons	\$10.00 to 30.00
Slaughtering and packing houses to be assessed.....	
Street sprinkler to be assessed.....	
Steam engines, per actual horse power, ten hours per day.....	3.00
Steam engines, per actual horse power, twenty-four hours per day	5.00
Street sprinkler, for private houses, 66 feet front or less, $\frac{1}{2}$ tap.....	5.00
Street sprinkler, for private houses, each additional ten feet.....	.50
Theater and public halls.....	10.00
Urinals, private, self-closing, each.....	1.00
Urinals, hotels, boarding-houses and saloons.....	5.00
Vinegar, per barrel.....	.05

That part of the lot facing the ferrule is what is termed the "Front."

Water for street and sidewalk sprinkling with hose to be assessed the same as for lot sprinkling, except that for corner lots, the longest front shall be paid for.

Should water be required from the Water Works for which rates of rent are not herein established, the Water Board shall fix the same at prices corresponding with the foregoing rates.

§ 16. ASSESSMENT OF WATER RENTS, ETC.] It shall be the duty of the Water Board, to establish rules for assessing water rents, where the foregoing tariff of rates requires them to be assessed. Until the Board establish such rates, it shall be the duty of the Superintendent to make such assessments. The Water Board shall take the proper steps to enforce the collection of all water rents dependent upon special contracts or where the price cannot be ascertained until the water shall have been used.

ADOPTING AND PUBLISHING ORDINANCE.

An ordinance adopting the revised ordinances of the City of Bloomington and providing for the publication thereof.

Be it ordained by the City Council of the City of Bloomington: That the foregoing chapters prepared and submitted to the City Council of said city by Isaac N. Phillips, numbered from one to twenty-one inclusive and more particularly described by their respective titles as follows, to-wit: Chapter I., "Animals, Pounds and Pound-keepers;" Chapter II., "Cemete-

ries ;" Chapter III., "City Council ;" Chapter IV., "Dogs ;" Chapter V., "Elections ;" Chapter VI., "Fees and Salaries ;" Chapter VII., "Fire Department ;" Chapter VIII., "Grades ;" Chapter IX., "Licenses ;" Chapter X., "Liquors ;" Chapter XI., "Misdemeanors ;" Chapter XII., "Nuisances ;" Chapter XIII., "Officers ;" Chapter XIV., "Ordinances ;" Chapter XV., "Police Department ;" Chapter XVI., "Railroads ;" Chapter XVII., "Revenue ;" Chapter XVIII., "Special Assessments ;" Chapter XIX., "Supplies and Claims ;" Chapter XX., "Wards ;" Chapter XXI., "Water Supply," be and the same are hereby adopted and declared to be the ordinances of said city, and shall take effect and be in force from and after the first day of May, in the year 1876 ; and it is further hereby ordered that said chapters and ordinances, together with this ordinance, be forthwith published in book form by authority of the City Council of said city.

Approved, April 24th, A. D. 1876.

B. F. FUNK,
MAYOR.

ATTEST :

WM. B. LAWRENCE,
CITY CLERK.

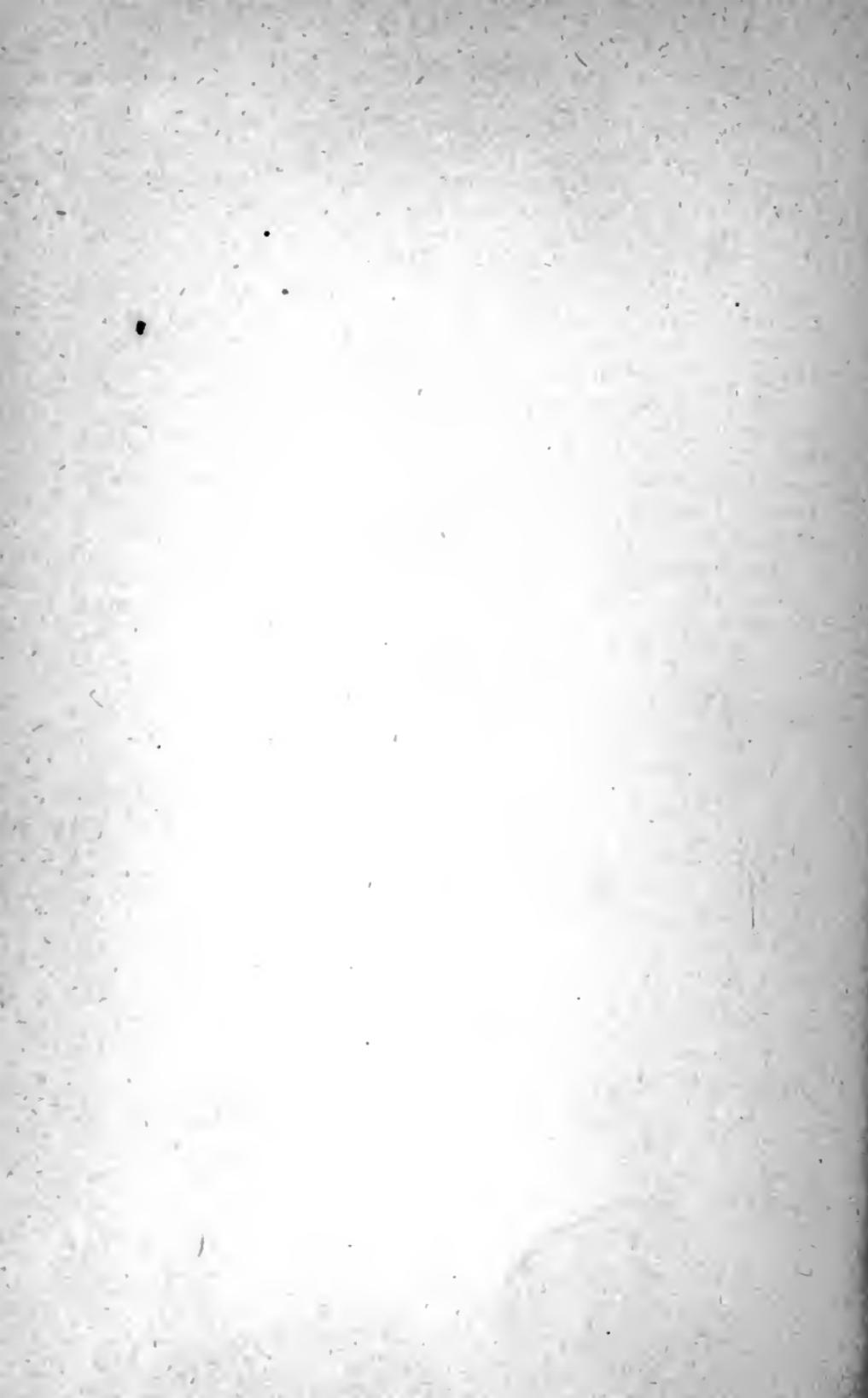
STATE OF ILLINOIS, }
McLEAN COUNTY, } ss.
City of Bloomington. }

I, William B. Lawrence, City Clerk of the City of Bloomington, do hereby certify that the above is a true copy of an ordinance entitled, "An ordinance adopting the revised ordinances of the City of Bloomington and providing for the publication thereof," passed by the City Council of the City of Bloomington, on the 24th day of April, A. D. 1876, and duly recorded upon the records of said city, and that the original of which the foregoing is a certified copy is on file in the office of the City Clerk of said city.

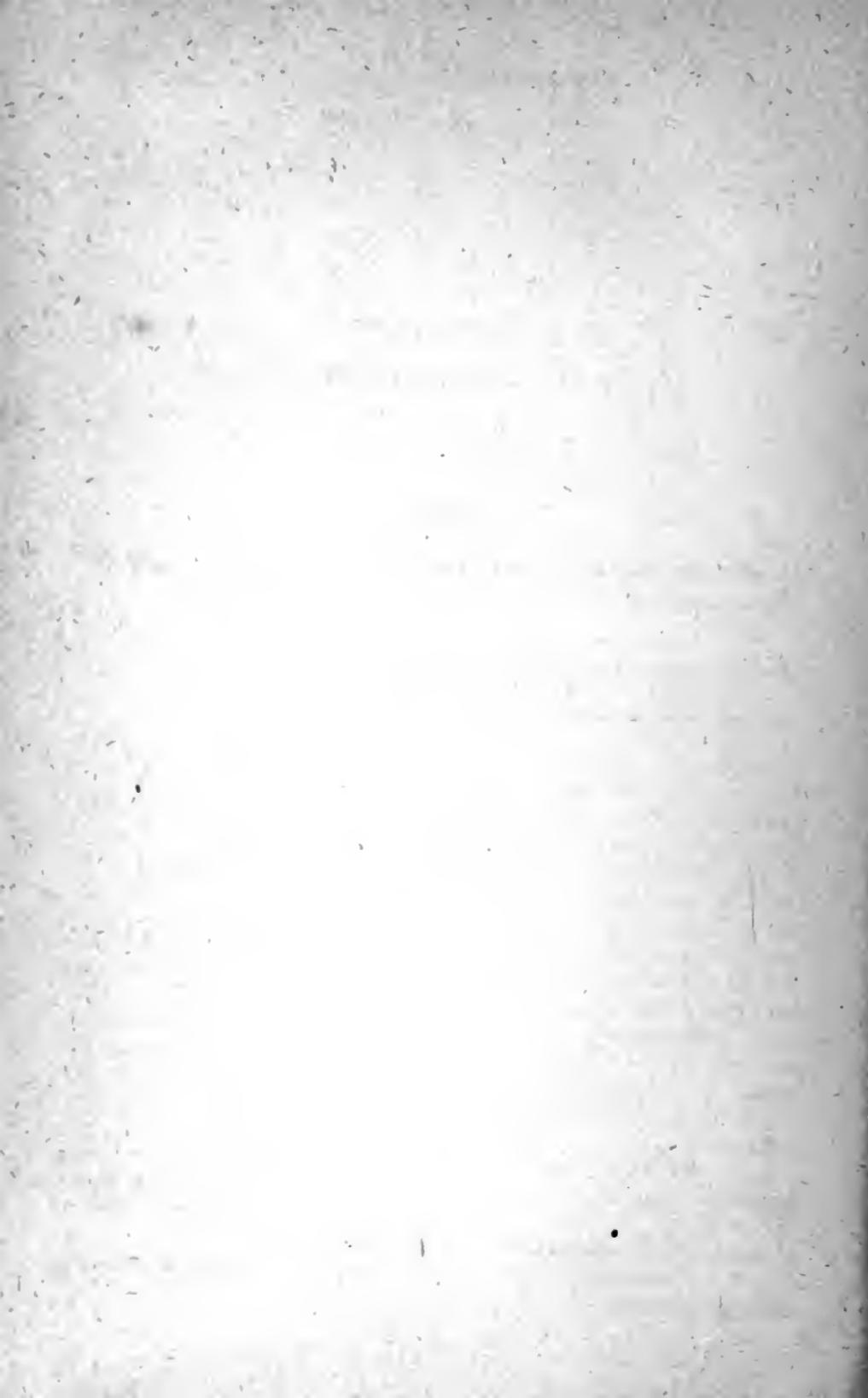
Witness my hand and the corporate seal of said city this 24th day of April, A. D. 1876.

[L. S.]

WM. B. LAWRENCE,
CITY CLERK.



PART II.



ACTS OF INCORPORATION OF THE CITY OF BLOOMINGTON.

NUMBER I.

An Act to Legalize the Incorporation of the City of Bloomington.

[Approved June 19, 1852.]

SECTION 1. Incorporation legalized.
" 2. Official acts legalized.
" 3. Fines.
" 4. When in force.

SECTION 1. INCORPORATION LEGALIZED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the incorporation of the town of Bloomington, in McLean County, as a city, on the nineteenth day of February, A. D., one thousand eight hundred and fifty, in pursuance of the fifth section of an Act entitled "An act to incorporate towns and cities," passed February tenth, one thousand eight hundred and forty-nine, be and the same is hereby legalized.

§ 2. OFFICIAL ACTS LEGALIZED.] That all the official acts of the City Council and Mayor, or either of them, of said corporation, done since the election of its members, and which, in case of the original legality of said incorporation, would have been according to law up to the period when this act shall take effect, be and the same are hereby legalized.

§ 3. FINES.] That hereafter all fines and forfeitures collected for penalties incurred within the incorporated limits of the said city of Bloomington, shall be paid into the treasury of said city by the officers collecting the same.

§ 4. WHEN IN FORCE.] This act shall be in force from and after its passage.

NUMBER II.

*An Act to Amend the Charter of the City of Bloomington,
by Extending the Corporate Limits of the same.*

[Approved March 1, 1854.]

SECTION 1. Corporate limits.
" 2. When in force.

SECTION 1. CORPORATE LIMITS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That hereafter the corporate limits of the city of Bloomington shall embrace a territory of one and a half miles square, extending three-fourths of a mile east, west, north and south of the south-east corner of lot number sixty (60) in the original town of Bloomington.

§ 2. WHEN IN FORCE.] This act to take effect and be in force from and after a survey of the above named limits shall have been entered upon the records of the said city of Bloomington.

NUMBER III.

An Act to Legalize the Incorporation of the City of Bloomington, and for other Purposes.

[Approved February 14, 1855.]

SECTION 1. Incorporation legalized.
" 2. Official acts legalized.
" 3. Power of Council—appeals.
" 4. Security for costs.
" 5. Fines paid into treasury.
" 6. Repeal—when in force.

SECTION 1. INCORPORATION LEGALIZED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the incorporation of the town of Bloomington, in McLean County, as a city, on the nineteenth day of February, A. D., one thousand eight hundred and fifty, in pursuance of an Act entitled "An Act to incorporate towns and cities, passed February tenth, one thousand eight hundred and forty-nine, be and the same is hereby legalized, and the existence and incorporation of the city of Bloomington shall be taken and considered to be valid in all courts of this state without proof thereof.

§ 2. OFFICIAL ACTS LEGALIZED.] That all the official acts, proceedings, ordinances, and resolutions of the City Council of said city, since the election of the members, either before

or after the passage of this act, and which are not repugnant to the Constitution of the United States, or to the Constitution of this State, shall be taken and held to be valid, legal and binding upon all persons whomsoever.

§ 3. POWER OF COUNCIL—APPEALS.] The City Council of said city shall have power and authority to make rules and regulations governing the proceedings before and processes issued by the police magistrate of said city for the violation of any ordinance of said city, and in lieu of the appeals now allowed by law, from the decision of said police magistrate, to provide by ordinance for the removal of causes tried before the police magistrate, by appeal to the Circuit Court of McLean county, which shall be tried in that Court upon a bill of exceptions containing the proceedings and evidences before the police magistrate.

§ 4. SECURITY FOR COSTS.] In suits instituted by the city of Bloomington for the violation of the ordinances of said city, security for costs shall in no case be required to be given, and change of venue shall in no case be allowed in such suits from the police magistrate of said city.

§ 5. FINES PAID INTO TREASURY.] That all fines and forfeitures for penalties incurred within the corporate limits of said city of Bloomington, since the 19th day of June, A. D. one thousand eight hundred and fifty-two, and hereafter shall be paid into the treasury of said city, by the officers collecting the same.

§ 6. REPEAL—WHEN IN FORCE.] That so much of any act of the legislature heretofore passed as conflicts with the provisions of this act, be, and the same is hereby repealed, and this act shall take effect from and after its passage.

NUMBER IV.

An Act in Relation to North Bloomington.

[Approved Feb. 13th, 1857.]

SECTION 1. Streets vacated.
 " 2. Title to ground.
 " 3. Power to fence blocks.
 " 4. Liability for destroying inclosure.

SECTION 1. STREETS VACATED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That so much of Second and Third streets, of the town of Bloomington, as lies west of the west line of Broadway, of said town be, and the same is hereby vacated.

§ 2. TITLE TO GROUNDS.] *Be it further enacted*, That the title in and to the ground covered by the parts of streets vacated as aforesaid be, and the same is hereby vested in the owner or owners of the lots bounded or adjoining to the parts of streets so vacated; *Provided, however*, that nothing herein contained shall be so construed as in any way to prejudice the vested rights of any person or persons owning property fronting on or bounded by the parts of streets herein referred to.

§ 3. POWER TO FENCE BLOCKS.] *Be it further enacted*, That whenever the lot owners of any block in said town, as now laid off or hereafter extended by additions thereto, shall desire to unite in planting sidewalks or ornamental trees around the same, it shall be lawful for them to fence in said blocks by an inclosure extending into and embracing a part of the streets of said town; said enclosure to be kept up for a period not exceeding five years from the erection thereof, except by the unanimous consent of the lot owners thereof, in which case it may be extended to a period of seven years: *Provided, however*, said enclosure shall not extend more than fifteen feet from the sides of the blocks so inclosed: *And, Provided, also*, that the consent or co-operation of lot owners of the blocks thus inclosed shall be necessary thereto.

§ 4. LIABILITY FOR DESTROYING ENCLOSURE.] *Be it further enacted*, That if any person or persons owning a lot or lots in blocks inclosed as aforesaid, shall remove or destroy said enclosures, or shall suffer the same to become insufficient as a protection against large stock during said term of years, he or they shall forfeit and pay to the other owner or owners of lots in said blocks, three times the amount of damages sustained thereby, to be recovered in an action of trespass, before any justice of the peace, or other court having jurisdiction thereof.

NUMBER V.

An Act to amend the several Acts, amendatory of the City Charter of the City of Bloomington, by extending the corporate limits of said city.

[Approved Feb. 16th, 1857.]

SECTION 1. Extension of city limits.
 " 2. When in force.

SECTION 1. EXTENSION OF CITY LIMITS.] *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That for the purpose of giving to the City of Bloomington juris-

dition over a part of Sugar Creek, the western boundary of said city shall be extended as follows: Beginning at the west boundary of said city, in the center of Market street; running thence west along the center of the Peoria road to the west end of Sugar Creek bridge; thence in a northerly direction along the west bank of said Sugar Creek to the center of section (32), town 24 north, of range 2 east: thence due east one mile, to the center of section (33), town and range aforesaid; thence due south, to the north boundary of said city: *Provided*, That all farming land not laid off in lots, within the aforesaid boundaries, shall be exempt from city taxation: *and provided also*, That nothing in this shall authorize the city of Bloomington, in any way to interfere with the vested rights of the St. Louis, Alton and Chicago Railroad Company to the use of the water of said Sugar Creek.

§ 2. WHEN IN FORCE.] This act to take effect and be in force from and after its passage.

NUMBER VI.

An Act to grant and establish a City Charter for the City of Bloomington.

[In force Feb 13th, 1861.]

SECTION 1. Name and style.
 " 2. Corporate limits.
 " 3. Corporate powers.
 " 4. Municipal officers.
 " 5. Other officers.
 " 6. How selected.
 " 7. City election.
 " 8. Term of office.
 " 9. New election.
 " 10. Notice of election.
 " 11. How conducted.
 " 12. Qualification of voters.
 " 13. Aldermen.
 " 14. Duties of Council.
 " 15. Rules of the Council.
 " 16. Aldermen, when not eligible.
 " 17. The Mayor.
 " 18. Qualifications.
 " 19. Exhibit of official books.
 " 20. Ordinances.
 " 21. Power of Mayor.
 " 22. Acting Mayor.
 " 23. Duties of City Clerk.
 " 24. Treasurer's duties.
 " 25. Exhibit—Order.
 " 26. The Marshal's duties.
 " 27. Assessor.
 " 28. Collector.
 " 29. Compensation.
 " 30. Recovery of fines.
 " 31. Court fees.
 " 32. Miscellaneous powers of the City Council.
 " 33. Suits at law.
 " 34. Ordinances.
 " 35. Road tax.
 " 36. Bribes, etc.
 " 37. Ordinances to remain in force.
 " 38. Prosecutions.
 " 39. Property and officers.
 " 40. Saving clause.
 " 41. Conservators of peace.
 " 42. Construction—act deemed Public.

SECTION 1. NAME AND STYLE.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That the inhabitants of the city of Bloomington, in McLean County, Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of Bloomington," and by that name shall have perpetual succession, and may have or not have a common seal, which they may change, alter, or abolish, at pleasure.*

§ 2. CORPORATE LIMITS.] The corporate limits of the city of Bloomington shall embrace a territory of one and a half miles square, extending three-quarters of a mile east, west,

north and south, of the south-east corner of lot number sixty in the original town of Bloomington, and shall also include all town plats and additions adjoining the above prescribed limits; and whenever any tract of land adjoining the said limits, or any addition to said city, shall be laid off into town lots, and the plat thereof recorded, the same shall be, and form a part of, the city of Bloomington, as fully as if within the original corporate limits.

§ 3. CORPORATE POWERS.] The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to implead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatever; to purchase, receive, and hold, lease, sell, convey and dispose of property, real and personal, within and beyond the corporate limits, for public purposes, for the use of the inhabitants of the city, and to improve and protect such property, and to do all other things in relation thereto as natural persons.

§ 4. MUNICIPAL OFFICERS.] The municipal government of the city shall consist of a Mayor, and City Council composed of one alderman from each ward of the city; *Provided*, That if at any general municipal election a majority of all the voters at said election shall, in such manner as the Council may prescribe, vote in favor of a representation of two aldermen from each ward; then the Council shall be composed of two aldermen from each ward; and the Council shall order a special election for the additional aldermen.

§ 5. OTHER OFFICERS.] There shall be a City Clerk, a Treasurer, a Street Commissioner, an Assessor, a Collector, a Marshal, a Chief Engineer of the Fire Department, and such other officers as the Council may deem necessary from time to time to appoint.

§ 6. HOW ELECTED.] The Mayor, aldermen, Treasurer, Street Commissioner, and all other officers of said corporation, shall be elected by the qualified voters of said city.

§ 7. CITY ELECTION.] An election shall be held in said city on the third Monday in April, A. D., 1861, and at the same time in each year thereafter, to elect a Mayor, Clerk, Treasurer and Street Commissioner, and aldermen in the proper wards. The person having the highest number of votes for the respective officers, shall be declared elected. At the election in April, A. D. 1861, aldermen shall be elected in wards number one and two as now constituted, and the aldermen now elected from wards number three and four shall hold over during their full term.

§ 8. TERM OF OFFICE.] The Mayor, Clerk, Treasurer, and Street Commissioner, shall respectively hold their offices for one year, and the aldermen for two years. All the other officers mentioned or provided for in this act, or by ordinance of said city, shall hold their respective offices during the pleasure of the Council. Officers elected to fill vacancies shall hold for the unexpired term only.

§ 9. NEW ELECTION.] In case the people shall fail to elect any of the officers herein required to be elected, the Council shall forthwith order a new election for such office, and when any vacancy shall occur by death, resignation, removal or otherwise of any officers elected by the people, except aldermen, such vacancy shall be filled by a new election within ten days after the vacancy occurs; unless nine months of the term of office has expired, in which case the Council may fill such office by appointment. Any vacancy in the Council shall be immediately filled by a new election in the proper ward.

§ 10. NOTICE OF ELECTION.] The Council shall, previous to any election under this charter, give notice of such election by publication in a newspaper published in the city, or by printed notices in each ward, or by both.

§ 11. HOW CONDUCTED.] The Council shall have power to regulate elections and to appoint judges thereof. Voting shall be by ballot, and the judges of election shall take the same oath and have the same power and authority and be subject to the same penalties as judges at general elections under the State laws. The ballots shall be counted in the manner provided by general law, the returns shall be delivered sealed, to the City Clerk, within one day after the election, and the Council shall, within three days after said election, meet and canvass the votes, and declare the result of the election. All persons elected or appointed to office shall qualify within twenty days thereafter, otherwise the office shall become vacant.

§ 12. QUALIFICATION OF VOTERS.] Every person entitled to vote at the general State elections, who has been resident in the city six months, and an actual resident of the ward in which he proposes to vote, for thirty days immediately preceding the municipal election, or who, if required by the judge or qualified voter, shall take the following oath: "I swear (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States, (or was a resident of this State at the time of the adoption of the constitution,) and have been a resident of this State one year, and a resident of this city six months immediately preceding this election, and am now and

have been for the last thirty days past a resident of this ward, and have not voted at this election," shall be a qualified voter at all municipal elections: *Provided*, That the voter shall be deemed a resident of the ward in which he is accustomed to lodge. All persons not entitled to vote at any election held under this act or the ordinance of the city in pursuance hereof, shall be punishable according to the laws of this State.

§ 13. **ALDERMEN.]** No person shall be an alderman unless he is a citizen of the United States, twenty-one years of age, and at time of his election shall have resided one year within the limits of the city. And if any alderman shall, after his election, remove from the ward for which he is elected, his office shall thereby be vacated.

§ 14. **DUTIES OF COUNCIL.]** The Council shall judge of the qualification and election of its members, and shall hear and determine all contested elections under this act, and its decision shall be final. A majority of the Council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

§ 15. **RULES OF THE COUNCIL.]** The Council shall have power to determine and fix the time of its meetings, the rules of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of its members elected, expel a member. A journal of the Council proceedings shall be kept, and the yeas and nays, when demanded by any member present, shall be entered on the journal.

§ 16. **ALDERMEN—WHEN NOT ELIGIBLE.]** No alderman shall be appointed to any office under the authority of the city, which shall have been created, or the emoluments of which shall have been increased, during the time for which he shall have been elected.

§ 17. **THE MAYOR.]** The Mayor shall be the chief executive officer of the city. He shall preside at the meetings of the Council, preserve order and direct the course of business before the Council, and in case of a tie in any vote thereof shall give the casting vote; and he shall be the head of the police and fire departments, and all marshals, deputy marshals, policemen, and all officers of the fire department, shall be under his command.

§ 18. **QUALIFICATIONS.]** No person shall be eligible to the office of Mayor who is not a citizen of the United States, and who shall not have been a resident of the city for two years next preceding his election, or who shall be under twenty-one years of age. If the Mayor removes from the city his office shall be vacated.

§ 19. EXHIBIT OF OFFICIAL BOOKS.] The Mayor is hereby authorized to call on any and all white male inhabitants of the city or county, over the age of eighteen years, to aid in enforcing the laws of the State or ordinances of the city ; and in case of riot to call out the militia to assist in suppressing the same, or carrying into effect any law or ordinance. And any person who shall not obey such call, shall forfeit and pay to said city a fine of five dollars. He shall have power whenever he may deem it necessary, to require of any of the officers of the city an exhibit of all their official books and papers, and shall have power to execute all duties that may be required of him by this act, or any ordinance made in pursuance hereof.

§ 20. ORDINANCES.] All ordinances, before they take effect, shall be placed in the office of the Clerk, and if the Mayor approve thereof he shall sign the same, and such as he may not approve he shall return to the Council at the next meeting thereafter, with his objections thereto. Upon the return of any such ordinance by the Mayor, the vote by which the same was passed shall be reconsidered, and if after such reconsideration a majority of all the aldermen elected shall agree by the ayes and nays, which shall be entered upon the journal, to pass the same, it shall go into effect ; and if the Mayor shall neglect to approve or object for a longer period than ten days after an ordinance shall be placed in the clerk's office as aforesaid, the same shall go into effect.

§ 21. POWER OF MAYOR.] The Mayor shall *ex-officio* have power to administer any oath required to be taken by this act or any law of the State, to take depositions, acknowledge deeds, mortgages, and all other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law.

§ 22. ACTING MAYOR.] In case the Mayor is unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the Council shall appoint one of its members to preside over their meetings, whose official designation shall be " Acting Mayor," and the alderman so appointed shall be vested with all the powers and perform all the duties of Mayor until the Mayor shall assume his office or the vacancy be filled by a new election.

§ 23. DUTIES OF CITY CLERK.] The Clerk shall keep the corporate seal and all the books and papers belonging to the city. He shall attend at the meetings of the Council and keep a full record of its proceedings. Copies of all ordinances and papers filed in his office, and transcripts from the journal of the proceedings of the Council certified by him as

Clerk, shall be evidence in all courts and places without further proof thereof and in like manner as if the originals were produced. The Clerk shall draw all warrants on the treasury, as provided by ordinance, and keep an accurate account thereof in a book provided for that purpose. He shall keep an accurate account of all receipts and expenditures in such manner as the Council may direct and he shall have power to administer any oath required to be taken by this act.

§ 24. **TREASURER'S DUTIES.]** The Treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the Council may direct. All moneys shall be drawn from the city treasury in pursuance of an order of the Council by treasury warrant, signed by the Clerk and Mayor, and such warrant shall specify for what purpose the amount therein named is to be paid.

§ 25. **EXHIBIT—ORDER.]** The Treasurer shall exhibit to the Council as often as required a full and detailed account of all receipts and expenditures, the state of the treasury and the state of each special fund therein, which account shall be filed in the office of the Clerk, and on retiring from office the Treasurer shall deposit his account books in the office of the City Clerk, where they shall be kept as public records of the city.

§ 26. **THE MARSHAL'S DUTIES.]** The Marshal and deputy marshal shall perform all such duties as may be provided by ordinance, and they shall possess the same powers and perform the same duties, within the limits of the city, as constables in the different counties possess; and may serve any process issuing under and by virtue of this act, or the ordinances and by-laws of said city at any place within the county of McLean.

§ 27. **ASSESSOR.]** The City Assessor shall perform all duties in relation to the assessing of property for the purpose of levying taxes imposed by the Council. In the performance of his duty he shall have the same powers as are or may be given by law to county or town assessors, and be subject to the same liabilities.

§ 28. **COLLECTOR.]** The City Collector shall collect all taxes and assessments which may be levied by the Council, and perform such other duties as may be prescribed by ordinance. The Council may appoint township assessors and collectors to assess and collect for the city.

§ 29. **COMPENSATION.]** The Council shall have power from time to time, by regular ordinance, to fix the compensation, prescribe the duties of, and to require further and other duties,

of all officers elected or appointed under this act: *Provided*, The compensation of any person elected to any office, made elective by this act, shall not be increased or diminished during his term of office.

§ 30. RECOVERY OF FINES.] All suits or actions for the recovery of any fine, penalty, or forfeiture, arising under this act, or the ordinances of the city, where the amount sued for in controversy does not exceed one hundred dollars, may be brought before any police magistrate of the city, or before any justice of the peace in the city designated by the Council: *Provided*, That police magistrates and police constables, when elected under any law of this State, and all justices of the peace designated by the Council and called upon to act under any ordinance, shall in addition to the bond now required by the laws of this State enter into bond to the City of Bloomington in such sum as the Council may direct, binding them to make their report, and pay over to the Treasurer all moneys which may come into their hands belonging to the city, and to obey and conform to such police regulations as may be established by the Council.

§ 31. COURT FEES.] In all prosecutions or suits brought by the City of Bloomington for the violation of any ordinance, by-law or police regulation, the said city shall be exempt from all court fees to the same extent as the State, by the laws thereof, is in criminal prosecutions.

§ 32. MISCELLANEOUS POWERS OF THE CITY COUNCIL.] In addition to the powers hereinbefore mentioned, the Council shall have power by ordinance—

First—To levy and collect annually taxes not exceeding five mills to the dollar on the assessed value of all real and personal estate and property within the city made taxable by the laws of the State, and in its own manner provide for the levy of, assessment, and collection of city taxes and assessments, not inconsistent with the constitution of the State, and to alter and change any such provisions as it may from time to time deem proper; to prescribe the form of assessment lists, and make such regulations in relation to revising, altering, or adding thereto, as it may deem right and proper; to provide that the city taxes and general and special assessments shall, by the proper officers of the county of McLean, be carried out on the books of the proper township collectors, whose several townships embrace the City of Bloomington, to be by them collected in same manner and at same time as State and county taxes, to be paid over to such person as the Council may order or provide; and that delinquent lands or lots shall be returned

to the County Treasurer, or other officer designated by general laws, who shall proceed with the collection thereof in the same manner and at the same time as he collects State and county taxes, and shall pay the same over to such person as the Council may direct. All taxes and assessments, general or special, levied or assessed under this act, or any ordinance in pursuance hereof, shall be a lien on all the real estate upon which the same may be imposed, levied or assessed, for two years from and after the assessment thereof, and on personal property from and after the delivery of the warrant for collection, until paid.

Second—To require all officers appointed in pursuance of this charter to give bonds, with penalty and security, and take an oath for the faithful performance of the duties of their respective offices, upon entering upon the discharge of the same.

Third—To make any and all regulations necessary to secure, protect, preserve, and restore the general health, and to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce the same.

Fourth—To appropriate and provide for the payment of the debts and expenses of the city.

Fifth—To declare what shall be a nuisance, and to prevent, abate, and remove the same.

Sixth—To provide the city with water, for the extinguishment of fire and the convenience of the inhabitants, in such manner as it may deem best.

Seventh—To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes, and alleys; to make, establish, build and construct sewers, and to carry out a system of sewerage; to drain the city, and to take private property for any of said purposes, first making provision for ascertaining and payment of adequate and just compensation for all damages to the owners of such property, in such manner as the Council, may by ordinance provide, and to require the owners of any lot or piece of ground to lay a good and substantial sidewalk along any street or alley passing such lot or ground, in such manner as the Council may provide. The expenses of any improvement mentioned in the seventh division of this section, except sidewalks, shall be levied and assessed upon the real estate adjoining or benefited thereby, with the costs of proceeding therein, in proportion, as nearly as may be, to the benefits resulting thereto, and shall be collected as in other cases. All owners or occupants in front of, or upon, whose

premises the Council shall order and direct sidewalks or private drains, communicating with any main drain, to be constructed, repaired, relaid, or cleansed, shall make, repair, relay or cleanse, such sidewalks or private drains at their own cost and charges, in the manner, and within the time prescribed by ordinance or otherwise, and if not done in the manner, and within the time prescribed, the Council may cause the same to be constructed, repaired, relaid, or cleansed, and assess the expense thereof by an order to be entered in their proceedings upon such lots respectively, and collect the same as in other cases. The Council may provide, by ordinance, that suits may be instituted in any court having jurisdiction against the respective owners of any real estate for the recovery of the amount of the expenses and costs of any special tax or assessment authorized by the seventh division of this section, and it may be optional with the Council, which remedy shall be pursued.

Eighth—To change the boundaries of any ward, and establish new wards and provide for the election of aldermen.

Ninth—To provide for lighting the streets, keeping the same in repair, and to prohibit obstructions and nuisances in any street or alley.

Tenth—To erect market houses, to establish markets and market places, and provide for the government and regulations thereof.

Eleventh—To provide for erecting all needful buildings for the use of the city; to license, tax, and regulate auctions, merchants, retailers, grocers, taverns, hawkers, peddlers, brokers, pawnbrokers, and money-changers, hackney carriages, wagons, carts, and drays, and to fix the rates to be charged for the carriage of persons, and for the wagonage, cartage and drayage of property.

Twelfth—To license and regulate porters, and fix the rates of porterage.

Thirteenth—To license, tax and regulate theatrical and other exhibitions, shows and amusements.

Fourteenth—To tax, restrain, prohibit, and suppress tippling houses and dram shops; to prohibit and suppress gaming, gambling, gaming houses, bawdy houses, and all disorderly houses.

Fifteenth—To license, or entirely prohibit the sale of spirituous, vinous, mixed, malt, or fermented liquors, within the limits of the city, by any person or persons.

Sixteenth—To provide for the prevention and extinguishment of fires, and to organize, establish, and support fire companies.

Seventeenth—To provide for the prevention and suppression of riots, routs, unlawful assemblages, and any disturbance of the public peace, and punish, by fine, all persons guilty thereof.

Eighteenth—To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials; to compel the owner or occupant of any grocery, cellar, soap, or tallow candleery, blacksmith, tannery, stable, slaughter house, distillery, brewery, sewer, privy, or other unwholesome or nauseous house, or place, to cleanse, remove, or abate the same, as may be necessary for the health, comfort, and convenience of the inhabitants affected thereby.

Nineteenth—To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, foundries, livery stables, and packing houses; to direct the location and regulate the management and construction of, and restrain, abate, and prohibit, within the city, and to the distance of one mile from the limits thereof, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal, and such other substances as may be rendered; and all other establishments and places where any nauseous, offensive, or unwholesome business may be carried on or conducted.

Twentieth—To direct and control the laying and construction of railroads, bridges, turnouts, switches in the streets and alleys, and the location of depot grounds within the city; to require railroad companies to keep in repair and to light the streets and alleys through which their tracks may run, and construct, and keep in repair, and unobstructed suitable crossings at the intersections of their roads with streets, alleys, ditches, sewers, and culverts; to direct the use and regulate the speed of locomotive engines within the inhabited portions of the city; to prohibit and restrain railroad companies from doing storage or warehouse business, or collecting pay for storage.

Twenty-first—To regulate the conduct of persons present at any fire in said city, and to provide for punishing any person for disobeying such regulations; to require all male inhabitants over twenty-one years of age, and under fifty, to pay an annual street tax, not exceeding three dollars, and to provide for the collection of said tax.

Twenty-second—To regulate, establish and order party walls and partition fences.

Twenty-third—To establish and regulate standard weights and measures in all cases not otherwise provided by law.

Twenty-fourth—To provide for the inspection and measurement of lumber and other building material, and for the measurement of all kinds of mechanical work, and to provide for the inspection and weighing of hay, stone, coal, charcoal, firewood, and other fuel, to be sold or used within the city, and to provide for and regulate the inspection of tobacco, beef, pork, flour, meal, and spirituous liquors of all kinds brought to the city for sale, and to regulate the weights, quality, and price of bread to be sold and used in the city.

Twenty-fifth—To provide for the taking enumerations of the inhabitants of the city.

Twenty-sixth—To regulate the fees of jurors, witnesses, and others for services rendered under this act or any ordinance; to prohibit horse racing and immoderate riding or driving in the streets; to prohibit and punish the abuse of animals; to restrain and punish vagrants and street beggars; to establish and regulate public pounds; to restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, and goats, and to authorize the distraining and impounding and sale of the same for the costs of the proceeding and penalty incurred; to tax, regulate, restrain, and prohibit the running at large of dogs, and to authorize their destruction when at large, contrary to ordinance; to provide for the safety and convenience of the inhabitants and other persons of the city, by prohibiting all acts, sports, or amusements in the streets or public places of the city of a dangerous character; to provide for the punishment of offenders by imprisonment in the county or city jail, and by requiring them to work on the streets of said city in all cases where such offenders shall fail or refuse to pay any fine or forfeiture recovered against them.

Twenty-seventh—To regulate the police of the city; to impose fines, forfeitures, and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties.

Twenty-eighth—To license, regulate, suppress and restrain billiard tables, and from one to twenty-pin alleys; to audit all accounts and claims against the city, and require the creditor or claimant to verify his account or claim by his own oath or the oath of some other person.

Twenty-ninth—To make all ordinances which shall be in any wise necessary and proper for carrying into execution the powers specified in this act and to perform and enforce penalties for the violation thereof, so that such ordinance be not repugnant to or inconsistent with the constitution of the United States or this State.

§ 33. SUITS AT LAW.] The Council may, by ordinance, provide that in all suits brought for the violation of any ordinance or the recovery of any fine under this act, before the police magistrate or other officer, the first process shall be a warrant for the immediate apprehension of the offender, and may further provide that no change of venue shall be taken from such police magistrate or justice of the peace, selected by the city as hereinbefore provided, and that no appeal shall be taken from any such justice of the peace or police magistrate, except upon bond given and the proceedings and testimony reduced to writing as a bill of exceptions, signed by the said magistrate or other officer, and the appellate court shall try said appeal on the proceedings and evidence embodied in said bill of exceptions, and none other. The style of the ordinances of the city shall be, "Be it ordained by the City Council of the city of Bloomington;" and all ordinances passed by the Council shall, within one month after they have been passed, be published in some newspaper published in the city, and shall not be in force until they shall have been published as aforesaid.

§ 34. ORDINANCES.] All ordinances of the city may be proven by a copy thereof, certified by the Clerk, under his hand and the corporate seal of the city, if there be one, and when printed or published in book or pamphlet form by authority of the corporation, the same shall be received in evidence in all courts and places without further proof; and the Council shall cause all ordinances of the city then in force to be revised and published in book or pamphlet form within twelve months after the passage of this act.

§ 35. ROAD TAX.] The inhabitants of the city of Bloomington shall be exempt from any highway, road or bridge tax, to be used beyond the limits of the city, and from paying the tax in lieu thereof without said limits, all property subject to city taxes, whether real or personal, shall be exempt from general or special road, highway or bridge tax, for the construction or preparing of roads or bridges outside of city limits of the city of Bloomington.

§ 36. BRIBES, ETC.] Any Mayor, acting Mayor or alderman of the city, shall be liable to indictment in any court of record in McLean County for receiving a bribe for the exercise of any official power, for palpable omission of duty, willful aggression, or mal conduct in the discharge of the duties of his office; and upon conviction, shall be subject to a fine of not exceeding one hundred dollars, and the court shall have

power, upon recommendation of the jury, to add as part of the judgment, that he be removed from the office.

§ 37. ORDINANCES TO REMAIN IN FORCE.] All ordinances, regulations, and resolutions now in force in the City of Bloomington, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the Council, after this act shall take effect.

§ 38. PROSECUTIONS.] All actions, rights, fines, penalties, and forfeitures in suit or otherwise, which have accrued under the several acts, consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

§ 39. PROPERTY AND OFFICERS.] All property, real, personal, or mixed, belonging to the City of Bloomington, is hereby vested in the corporation created by this act, and the officers of said corporation now in office shall respectively continue in the same until superseded in conformity to the provisions hereof, but shall be governed by this act.

§ 40. SAVING CLAUSE.] This act shall not invalidate any legal act done by the Council of the City of Bloomington or by its officers, nor divest their successors under this act of any rights of property or otherwise, or liability which may have accrued to or been created by said corporation prior to the passage of this act.

§ 41. CONSERVATORS OF PEACE.] All officers of the city, aldermen included, are hereby created conservators of the peace by this act, and shall have power to arrest or cause to be arrested, with or without process, all persons who shall break or threaten to break the peace, and if necessary detain such persons in custody over night in the city jail or other safe place, and shall have and exercise such other powers as conservators of the peace as the Council may prescribe.

§ 42. CONSTRUCTION—ACT DEEMED PUBLIC.] Nothing in this act contained shall be construed so as to deprive the Council of said city of any power or authority conferred upon the same by act under which said city was incorporated, and the various acts amendatory thereto; but the Council shall possess and enjoy all the powers and authority heretofore conferred upon the same, except so far as such power and authority have been expressly modified or repealed by this act or the acts heretofore mentioned. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places.

This act shall take effect and be in force from and after its passage.

An act to amend an act entitled "An act to grant and establish a city charter for the city of Bloomington."

[In force March 7th, 1867.]

CHAPTER I.

BOUNDARIES AND WARDS.

SECTION 1. Name and style.
 " 2. Corporate limits.
 " 3. Powers.
 " 4. Wards.

SECTION 1 NAME AND STYLE.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the inhabitants of all that district of country in the county of McLean and State of Illinois, contained within the limits and boundaries as hereinafter prescribed, be, and they are hereby constituted a body politic and corporate, by the name and style of the city of Bloomington, and by that name shall have perpetual succession, and may have or not have a common seal, which they may change, alter or abolish at pleasure.

§ 2. CORPORATE LIMITS.] The corporate limits of the city of Bloomington shall embrace and include within the same, all of section four (4), the west half of section three (3), the east half of section five (5), the north-east quarter of section eight (8), the north half of section nine (9), and the north-west quarter of section ten (10), all being in township twenty-three (23), north of range two (2), east of the third Principal Meridian; the south-east quarter of section thirty-two (32), the south half of section thirty-three (33), and the south-west quarter of section thirty-four (34), all being in township twenty-four (24), north of range two (2) east of the third Principal Meridian; and shall also include all town plats and additions adjoining the above prescribed limits; and whenever any tract of land adjoining the said limits, or any addition to said city, shall be laid off into town lots, and the plat thereof recorded, the same shall be and form a part of the city of Bloomington, as fully as if within the original corporate limits.

§ 3. POWERS.] The inhabitants of said city, of the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity, and in all actions whatsoever; to purchase, receive, hold, lease, sell, convey and dispose of property, real and personal, within and beyond the corporate limits for pub-

lic purposes for the use of the inhabitants of the city, and to improve and protect such property, and to do all other things in relation thereto as natural persons.

§ 4. *WARDS.]* The city of Bloomington shall be divided into five wards, as follows, viz;

First Ward—All that part of the city which lies north of the center of Front street, and east of the center of Main street, shall be denominated the First Ward.

Second Ward—All that part of the city which lies north of the center of Front street, and south of the center of Chestnut street, and west of the center of Main street, shall be denominated the Second Ward.

Third Ward—All that part of the city which lies south of the center of Front street, and west of the center of Main street, shall be denominated the Third Ward.

Fourth Ward—All that part of the city which lies south of the center of Front street, and east of the center of Main street, shall be denominated the Fourth Ward.

Fifth Ward—All that part of the city which lies north of the center of Chestnut street, and west of the center of Main street, shall be denominated the Fifth Ward.

CHAPTER II.

OFFICERS AND THEIR ELECTION.

SECTION 1. City government.

- “ 2. Mayor.
- “ 3. Aldermen.
- “ 4. Tie—how decided
- “ 5. Who shall not be Mayor.
- “ 6. Who shall not be aldermen.
- “ 7. Election to be held.
- “ 8. Additional aldermen to be elected.
- “ 9. Failure to elect.
- “ 10. When officers shall enter upon duties.
- “ 11. Other officers.

SECTION 1. *CITY GOVERNMENT.]* The municipal government of the city shall consist of a Mayor, and a City Council composed of two aldermen from each ward.

§ 2. *MAYOR.]* The Mayor shall be elected by the qualified voters of the city, and shall hold his office for one year, and until his successor is elected and qualified.

§ 3. *ALDERMEN.]* The aldermen shall be elected by the qualified voters of the city, and shall hold their respective offices for two years, and until their successors are elected and qualified, except as herein otherwise provided.

§ 4. *tie—how decided.]* Whenever there shall fail to be an election of any officer voted for by the voters of said city,

in consequence of two or more candidates receiving an equal number of votes for the same office, the judges of election shall certify the same to the Mayor, who shall determine the same by the casting of lots in such manner as the Council may direct.

§ 5. WHO SHALL NOT BE MAYOR.] No person shall be eligible to the office of Mayor who is not a citizen of the United States, and who shall not have been a resident of the city for at least two years next preceding his election, or who shall be under twenty-one years of age. If the Mayor removes from the city his office shall be vacated.

§ 6. WHO SHALL NOT BE ALDERMEN.] No person shall be eligible to the office of alderman who is not a citizen of the United States, and who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age. If any alderman shall, after his election, remove from the ward for which he is elected, his office shall thereby be vacated.

§ 7. ELECTION TO BE HELD.] An election shall be held in said city, on the third Monday in April in each and every year, to elect a Mayor and one alderman from each ward; at which election the person receiving the highest number of votes for the respective offices shall be declared elected.

§ 8. ADDITIONAL ALDERMEN TO BE ELECTED.] At the election held in April, A. D., 1867, in addition to the officers above specified, an additional alderman shall be elected in wards number one, two and five, who shall hold their respective offices for the term of one year. At said election the person receiving the highest number of votes for alderman, in said wards, shall be declared elected for two years, and the person receiving the next highest number shall be declared elected for one year. In case of a tie vote, the same shall be decided by the Mayor, by the casting of lots in such manner as the Council may direct. The aldermen now elected from wards number three and four shall hold their offices for the full term for which they were elected.

§ 9. FAILURE TO ELECT.] In case the people shall fail to elect any of the officers herein required to be elected, the Council shall forthwith order a new election for such office, and when any vacancy shall occur by the death, resignation, removal or otherwise, of any of the officers above named, such vacancy shall be filled by a new election within thirty days after the vacancy occurs, unless said vacancy shall occur within three months before the regular city election, in which case the vacancy shall be filled at the next regular city elec-

tion, and no special election shall be called. Officers elected to fill vacancies, shall hold their offices only during the unexpired term.

§ 10. WHEN OFFICERS SHALL ENTER UPON DUTIES.] The municipal officers to be chosen at the annual election shall enter upon the duties of their respective offices on the first Monday of May succeeding their election.

§ 11. OTHER OFFICERS.] The other officers of the corporation shall be as follows, viz: City Clerk, City Treasurer, City Attorney, City Assessor, City Collector, City Marshal, Street Commissioner, and Chief Engineer of the Fire Department, and such other officers as the City Council may deem necessary from time to time to appoint, who shall be appointed by the City Council, and shall hold their respective offices during the pleasure of the Council, and shall perform such duties, and receive such compensation as the City Council may from time to time, by ordinance or otherwise, prescribe.

CHAPTER III.

ELECTIONS.

SECTION 1. Notice of election.
" 2. Elections—how conducted.
" 3. Who may vote.

SECTION 1. NOTICE OF ELECTION.] The City Council shall, previous to any election, under this charter, give at least ten days notice of such election, by publication in a newspaper published in the city, or by printed notices, in each ward, or by both.

§ 2. ELECTIONS—HOW CONDUCTED.] The City Council shall have power to regulate elections and to appoint the judges thereof. Voting shall be by ballot, and the judges of election shall take the same oath, and have the same power and authority, and be subject to the same penalties as judges at general elections under the state laws. The ballots shall be counted in the manner provided by general law; the returns shall be delivered sealed, to the City Clerk within one day after the election, and the Council shall, within three days after said election meet and canvass the votes and declare the result of the election. All persons elected or appointed to office, shall qualify within twenty days thereafter, otherwise the office shall become vacant.

§ 3. WHO MAY VOTE.] Every person entitled to vote at the general state election, who has been a resident in the city six months, and an actual resident of the ward in which he proposes to vote, for thirty days immediately preceding the municipal election, and who, if required by the judge or some qualified voter, shall take the following oath: "I swear (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States, (or was a resident of this state at the time of the adoption of the Constitution,) and have been a resident of this state one year, and a resident of this city six months immediately preceding this election, and am now, and have been for the last thirty days past, a resident of this ward, and have not voted at this election," shall be a qualified voter at all municipal elections: *Provided*: that the voter shall be deemed a resident of the ward in which he is accustomed to lodge. All persons not entitled to vote who shall vote, or offer to vote at any election held under this act, or the ordinance of the city in pursuance thereof, shall be punishable according to the laws of this state.

CHAPTER IV.

POWERS AND DUTIES OF OFFICERS.

SECTION 1. Powers and duties of Mayor.

- " 2. Acting Mayor.
- " 3. Time of meeting of Council.
- " 4. Powers of Council—quorum.
- " 5. Mayor may summon *posse*.
- " 6. Further powers of Mayor.
- " 7. Ordinances—how approved, etc.
- " 8. Clerk to keep seal, etc.
- " 9. Duties of Treasurer.
- " 10. Duties of Marshal.
- " 11. City Assessor's duties.
- " 12. City Collector.

SECTION 1. POWERS AND DUTIES OF MAYOR.] The Mayor shall be the chief executive officer of the city. He shall preside at the meetings of the Council, preserve order and direct the course of business before the Council, and in case of a tie in any vote thereof shall give the casting vote; he shall be the head of the police and fire departments, and all marshals, or deputy marshals, policemen, and all officers of the fire department, shall be under his command.

§ 2. ACTING MAYOR.] In case the Mayor is unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the Council shall appoint one of its members to preside over their meetings, whose official

designation shall be "Acting Mayor," and the alderman so appointed shall be vested with all the powers and perform all the duties of Mayor until the Mayor shall assume his office or the vacancy be filled by a new election.

§ 3. TIME OF MEETING OF COUNCIL.] The Council shall have power to determine and fix the time of its meetings, the rules of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of its members elected, expel a member. A journal of the Council proceedings shall be kept, and the yeas and nays, when demanded by any member present, shall be entered on the journal.

§ 4. POWERS OF COUNCIL—QUORUM.] The Council shall judge of the qualifications and election of its members, and shall hear and determine all contested elections under this act, and its decision shall be final. A majority of the Council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

§ 5. MAYOR MAY SUMMON POSSE.] The Mayor is hereby authorized to call on any and all male inhabitants of the city or county, over the age of eighteen years, to aid in enforcing the laws of the State or ordinances of the city; and in case of riot to call out the militia and citizens to assist in suppressing the same, or carrying into effect any law or ordinance. And any person who shall not obey such call, shall forfeit and pay to said city a fine of five dollars. He shall have power whenever he may deem it necessary, to require of any of the officers of the city an exhibit of all their official books and papers, and shall have power to execute all duties that may be required of him by this act, or any ordinance made in pursuance hereof.

§ 6. FURTHER POWERS OF MAYOR.] The Mayor shall *ex-officio* have power to administer any oath required to be taken by this act or any law of the State, to take depositions, acknowledge deeds, mortgages, and all other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law.

§ 7. ORDINANCES—HOW APPROVED.] All ordinances, before they take effect, shall be placed in the office of the Clerk, and if the Mayor approve thereof he shall sign the same, and such as he may not approve he shall return to the Council at the next meeting thereafter, with his objections thereto. Upon the return of any such ordinance by the Mayor, the vote by which the same was passed shall be reconsidered, and if after such

reconsideration a majority of all the aldermen elected shall agree by the ayes and nays, which shall be entered on the journal, to pass the same, it shall go into effect; and if the Mayor shall neglect to approve or object for a longer period than ten days after an ordinance shall be placed in the clerk's office as aforesaid, the same shall go into effect.

§ 8. CLERK TO KEEP SEAL, ETC.] The Clerk shall keep the corporate seal and all the books and papers belonging to the city. He shall attend all the meetings of the Council, and keep a full record of its proceedings. Copies of all papers and ordinances filed in his office, and transcripts from the journal of the proceedings of the Council certified by him as Clerk, shall be evidence in all courts and places without further proof thereof and in like manner as if the originals were produced. The Clerk shall draw all warrants on the treasury, as provided by ordinance, and keep an accurate account thereof in a book provided for that purpose. He shall keep an accurate account of all receipts and expenditures in such manner as the Council may direct and he shall have power to administer any oath required to be taken by this act.

§ 9. DUTIES OF TREASURER.] The Treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the Council may direct. All moneys shall be drawn from the city treasury in pursuance of an order of the Council by treasury warrant, signed by the Clerk and Mayor, and such warrant shall specify for what purpose the amount named therein is to be paid. He shall exhibit to the Council as often as required a full and detailed account of all receipts and expenditures, the state of the treasury and the state of each special fund therein, which account shall be filed in the office of the Clerk, and on retiring from office the Treasurer shall deposit his account books in the office of the City Clerk, where they shall be kept as public records of the city.

§ 10. DUTIES OF MARSHAL.] The Marshal shall perform all such duties as may be provided by ordinance, and he shall possess the same powers and perform the same duties, within the limits of the city, as constables in the different counties possess; and may serve any process issuing under and by virtue of this act, or the ordinances and by-laws of said city at any place within the county of McLean.

§ 11. CITY ASSESSOR'S DUTIES.] The City Assessor shall perform all duties in relation to the assessing of property for the purpose of levying taxes imposed by the Council. In the performance of his duty he shall have the same powers

as are or may be given by law to county or town assessors, and be subject to the same liabilities.

§ 12. CITY COLLECTOR.] The City Collector shall collect all taxes and assessments which may be levied by the Council, except special taxes and assessments, and perform such other duties as may be prescribed by ordinance. The Council may appoint township assessors and collectors to assess and collect for the city.

CHAPTER V.

REVENUE.

SECTION 1. Power of Council to levy taxes.

“ 2. Tax upon insurance companies.

“ 3. Inhabitants exempt from road labor—when.

SECTION 1. POWER OF COUNCIL TO LEVY TAXES.] The City Council shall have power within the city by ordinance :

First—To levy and collect annually a tax not exceeding five mills on the dollar on the assessed value of all real and personal estate and property in the city, made taxable by the laws of this State, to defray the contingent and other expenses of the city not herein otherwise specially provided for, which taxes shall constitute the general fund.

Second—To levy and collect annually a tax not exceeding two mills on the dollar on all taxable real and personal estate to defray the police expenses of the city.

Third—To levy and collect annually a tax not exceeding two mills on the dollar, on all taxable real and personal estate to defray the expenses of lighting the streets of the city.

Fourth—To levy and collect annually a tax not exceeding three mills on the dollar on all taxable real and personal property, to defray the expense of cleaning and repairing the streets and alleys in said city.

Fifth—To levy and collect annually a tax of sufficient amount on all taxable real and personal estate to pay the interest on all debts due and owing by said city, whether bonded or otherwise.

Sixth—To provide in its own manner for the levy, assessment and collection of city taxes and assessments, and to alter and change any such provisions as it may from time to time deem proper; to prescribe the form of assessment lists, and make

such regulations in relation to revising, altering or adding thereto as it may deem right and proper; and to provide that the city taxes, and general and special assessments shall by the proper officers of the county of McLean, be carried out on the books of the proper township collector, whose several townships embrace the city of Bloomington, to be by them collected in the same manner, and at the same time as State and county taxes, to be paid over to such person as the Council may order or provide; and that delinquent lands or lots shall be returned to the County Treasurer, or the officers designated by general law, who shall proceed with the collection thereof, in the same manner, and at the same time as he collects State and county taxes, and shall pay the same over to such person as the Council may direct. All taxes and assessments, general or special, levied or assessed under this act, or any ordinance in pursuance thereof, shall be a lien on all the real estate upon which the same may be imposed, levied or assessed for two years from and after the assessment thereof, and on personal property from and after the delivery of the warrant for collection.

Seventh—To require all male inhabitants of said city, over twenty-one years of age and under fifty, to labor, not exceeding three days in each year, upon the streets and alleys in said city, when notified to do so by the Street Commissioner. But each person so required to labor on the streets and alleys may, in lieu thereof, pay the sum of one dollar per day for each day he shall be so required to labor: *Provided*, he shall pay the same on or before the first day he shall be notified to labor by the Street Commissioner; and in case any person shall refuse to labor, when notified as aforesaid, or to pay, in commutation thereof, the amount above specified, the same may be collected of him by suit, in the name of the city, before any police magistrate or justice of the peace of said city. If the tax authorized by the fourth division of this section shall be levied by the Council, then the labor authorized by this section shall not be required to be done during the same year.

§ 2. TAX UPON INSURANCE COMPANIES.] All corporations, companies or associations not incorporated under the laws of this State, engaged in said city in effecting fire, marine or life insurance, shall pay to the City Treasurer the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums which during the half year ending on every first day of July and January, shall have been received or have been agreed to be paid, for any insurance effected, or agreed to be effected in said city, by or with such corporations,

companies or associations, respectively. Every person who shall act in said city as agent or otherwise, for or on behalf of any such corporation, company or association, shall on or before the fifteenth day of July and January in each year, render to the City Treasurer a full, true and just account, verified by his oath, of all premiums, which during the half year ending on every first day of July and January preceding such report, shall have been received by him, or agreed to be paid for or on behalf of any such corporation, company or association, and shall specify in said account the amounts received for fire, marine and life insurance respectively. Said agents shall also pay over to the City Treasurer, at the time of rendering the aforesaid account, the amount of rates for which the company or companies represented by them are severally chargeable by virtue hereof. If such account be not rendered on or before the day hereinbefore designated for that purpose, or, if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association, so in default, to transact any business of insurance in said city until the said requisitions shall have been complied with; but this provision shall not relieve any company from the payment of any risk that may be taken in violation hereof. Any person or persons violating any of the provisions of this section shall be subject to indictment, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not exceeding five hundred dollars. Said rates may also be recovered of such corporation, company or association, or its agent, by action, in the name and for the use of said city as for money had and received for its use. The amounts so received from said insurance companies, or their agents shall constitute a fund which shall be used for the purpose of promoting the efficiency of, and making improvements in the fire department of said city, and for carrying out such sanitary measures as may be deemed necessary for the promotion of the public health, and for no other purpose whatever.

§ 3. INHABITANTS EXEMPT FROM ROAD LABOR—WHEN.] The inhabitants of the city of Bloomington shall be exempt from any highway, road, or bridge tax to be used beyond the limits of said city, and from paying the tax in lieu thereof without said limits. All property subject to city taxes, whether real or personal, shall be exempt from general or special road, highway or bridge tax for the construction or repairing of roads or bridges outside of the city limits of the city of Bloomington.

CHAPTER VI.

CITY COUNCIL—GENERAL POWERS.

SECTION 1. General powers of Council.
" 2. Process—appeals, etc.
" 3. Power over streets, sidewalks, etc.
" 4. Horse railways.
" 5. City Council may issue bonds.

SECTION 1. GENERAL POWERS OF COUNCIL.] The City Council shall have power by ordinance :

First—To require all officers appointed in pursuance of this charter to give bonds, with penalty and security, and take an oath for the faithful performance of the duties of their respective offices, upon entering upon the discharge of the same.

Second—To appropriate and provide for the payment of the debts and expenses of the city.

Third—To make any and all regulations necessary to secure, protect, preserve and restore the general health, and to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose and to enforce the same.

Fourth—To declare what shall be deemed nuisances and to provide for the prevention, abatement and removal of the same, and to punish the authors thereof by penalties, fine and imprisonment. *Provided*, parties aggrieved by the provisions of this section may litigate the same in the circuit and supreme courts of this State.

Fifth—To provide the city with water for the extinguishment of fire and the conveniences of the inhabitants, in such manner as it may deem best.

Sixth—To change the boundaries of any ward, and to establish new wards, and provide for the election of aldermen.

Seventh—To provide for lighting the streets, keeping the same in repair, and to prohibit obstructions and nuisances in any street or alley.

Eighth—To erect market houses, establish markets and market places, and provide for the government and regulation thereof.

Ninth—To provide for erecting all needful buildings for the use of the city; to license, tax and regulate auctions, merchants, retailers, grocers, sample sellers, taverns, hawkers, peddlers, brokers, pawnbrokers and money changers, hackney carriages, wagons, carts, omnibuses and drays, and to fix the

rates to be charged for the carriage of persons, and the wagonage, cartage and drayage of property.

Tenth—To license and regulate porters and fix the rate of porterage.

Eleventh—To license, tax and regulate theatrical and other exhibitions, shows and amusements.

Twelfth—To tax, restrain, prohibit and suppress tippling houses and dram shops; to prohibit and suppress gaming and gambling, gaming houses, bawdy houses, and all disorderly houses.

Thirteenth—To license, or entirely prohibit the sale of spirituous, vinous, mixed, malt, or fermented liquors within the limits of the city, by any person or persons.

Fourteenth—To provide for the prevention and extinguishment of fires, and to organize, establish and support fire companies.

Fifteenth—To regulate the conduct of persons present at any fire in said city, and to provide for punishing any person disobeying such regulations.

Sixteenth—To provide for the prevention and suppression of riots, routs and unlawful assemblages, and any disturbance of the public peace, and punish by fine all persons guilty thereof.

Seventeenth—To regulate the storage of gunpowder, tar, pitch, rosin and other combustible materials; to compel the owner or occupant of any grocery, cellar, soap or tallow chandlery, blacksmith, tannery, stable, slaughter house, distillery, brewery, sewer or privy, to cleanse, remove or abate the same as may be necessary for the health, comfort and convenience of the inhabitants affected thereby.

Eighteenth—To direct the location and management and construction of, and restrain, abate, and prohibit within the city, and to the distance of one mile from the limits thereof, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as may be rendered.

Nineteenth—To direct what streets and alleys in said city may be taken for laying and using for railroad track or tracks; to require railroad companies to keep in repair and to light the streets and alleys through which their tracks may run, (this provisions does not apply to horse railways) and construct and keep in repair, and unobstructed, suitable crossings at the intersection of their roads with the streets, alleys, ditches, sewers and culverts; to direct the use and regulate the speed of locomotive engines within the inhabited portions of the city; to prohibit and restrain railroad com-

panies from doing storage or warehouse business, or collecting pay for storage.

Twenty-first—The City Council shall forever prohibit, by ordinance, the sale of intoxicating liquors within that part of the city lying and being in the town of Normal, and designated in Chapter I, section 2 of this bill, as the south-east quarter of section thirty-two (32), the south half of section thirty-three (33) and the south-west quarter of section thirty-four (34), all in township twenty-four (24), north of range two (2) east of the third principal meridian, and such other portions of said township of Normal as may hereafter be laid out into lots and be attached to said city of Bloomington.

Twenty-second—To establish and regulate standard weights and measures in all cases not otherwise provided by law.

Twenty-third—To provide for the inspection and measurement of lumber and other building materials, and for the measurement of all kinds of mechanical work, and to provide for the inspection and weighing of hay, stone-coal, charcoal, fire-wood, and other fuel to be sold or used within the city; and to provide for and regulate the inspection of tobacco, beef, pork, flour, meal and spirituous liquors of all kinds brought to the city for sale; and to regulate the weights and quality of bread to be sold and used in the city.

Twenty-fourth—To provide for taking enumerations of the inhabitants of the city; and to provide for numbering the houses in said city, and to compel the owner or occupant of such houses to have the number thereof placed thereon in some conspicuous place.

Twenty-fifth—To regulate the fees of jurors, witnesses and others for services rendered under this act, or any ordinance.

Twenty-sixth—To prohibit horse racing and immoderate riding or driving in the streets; to prohibit and punish the abuse of animals, and to compel persons to fasten securely their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in the street.

Twenty-seventh—To authorize the arrest, fine and imprisonment, in the city or county jail, as vagrants, of all persons who not having visible means to maintain themselves, are without employment, idly loitering or rambling about, or staying in groceries, drinking saloons, houses of ill-fame, or houses of bad repute, gambling houses, railroad depots, or fire engine houses, or who shall be found trespassing in the night time upon the premises of others, or begging or placing themselves in the streets or other thoroughfares, or public places to beg or receive alms; also keepers, exhibitors or

visitors at any gaming table, gambling house, house for fortune telling, places for cock fighting, or other places of device; and all persons who go about for the purpose of gaming or watch stuffing, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any place where public or private schools are held, either on week day or Sabbath, or places where religious worship is held.

Twenty-seventh—To establish and regulate public pounds; and to restrain, and regulate, or prohibit the running at large of cattle, horses, mules, swine, sheep, goats and geese; and to authorize the distraining, impounding and sale of the same for the penalty incurred, and the costs of the proceedings, and also to impose penalties on the owners of any such animals, for a violation of any ordinance in relation thereto.

Twenty-eighth—To tax, regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance.

Twenty-ninth—To provide for the safety and convenience of the inhabitants and other persons in the city, by prohibiting all acts, sports or amusements, in the streets or public places of the city, of a dangerous character.

Thirtieth—To license, regulate, restrain and suppress billiard tables, and from one to twenty-pin alleys.

Thirty-first—To regulate public pumps, wells and cisterns, hydrants and reservoirs, and so prevent the unnecessary waste of water.

Thirty-second—To regulate and prohibit the exhibition in the streets of said city, of stallions and jacks.

Thirty-third—To compel all persons to keep the snow, ice and dirt from the sidewalks, in front of the premises owned or occupied by them.

Thirty-fourth—To establish and erect one or more pest houses, hospitals or dispensaries, and control and regulate the same.

Thirty-fifth—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Thirty-sixth—To provide for day and night police in said city, and to regulate and control said police.

Thirty-seventh—To suppress all gaming houses and houses of prostitution; and to provide for the entry of the same by the City Marshal, by force, or otherwise, and the arrest of all persons found therein; and the destruction of all implements of gaming found therein, and for the punishment of all persons so arrested, by fine or imprisonment, or otherwise.

Thirty-eighth—To regulate or prohibit the carrying or wearing, by any person, under his clothes, or concealed about his person, any pistol or colt, or slungshot, or cross knuckles, or knuckles of brass, lead or other metal, or bowie knife, dirk knife, dirk or dagger, or any other dangerous or deadly weapon, and to provide for the confiscation or sale of such weapons.

Thirty-ninth—To prevent and prohibit the erection or maintenance of any insecure or unsafe building, stack, wall or chimney in said city, and to declare them to be nuisances, and to provide for their summary abatement.

Fortieth—To cause the seizure and destruction, or other disposition of tainted or unwholesome meat, butter, vegetables, fruit or provisions.

Forty-first—To impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties; to provide for the punishment of offenders by imprisonment in the county or city jail, and in all cases where such offenders fail or refuse to pay any fine or forfeiture recovered against them, to require them to labor on the streets of said city, at one dollar per day, until the whole fine and costs shall be paid.

Forty-second—To make, publish, ordain, amend and repeal all such ordinances, by-laws and police regulations not contrary to the Constitution of this State, for the good government and order of the city, and the trade and commerce of the city, as may be necessary to carry into effect the powers vested in the City Council or any officer of said city, by this act, and enforce the observance of all rules, ordinances, by-laws and police and other regulations, made in pursuance of this act, by penalties not exceeding one hundred dollars for any offense against the same.

§ 2. *PROCESS—APPEALS, ETC.]* The City Council may, by ordinance, provide that in all suits brought for the violation of any ordinance, or the recovery of any fine under this act, before the police magistrate, or other officer, the first process shall be a warrant for the immediate apprehension of the offender, and may further provide that no change of venue shall be taken from such police magistrate, or justice of the peace, selected by the city as hereinafter provided, and that no appeal shall be taken from any judgment of any such justice of the peace, or police magistrate, except upon bond given, and the proceedings and testimony reduced to writing as a bill of exceptions, signed by said magistrate, or other

officer, and the appellate court shall try said appeal on the proceedings and evidence embodied in said bill of exception and none other.

§ 3. POWER OVER STREETS, SIDEWALKS, ETC.] The City Council shall have power to open, alter, abolish, widen, extend, establish, grade, pave, plank, or macadamize, or otherwise improve and keep in repair the streets, avenues and lanes and alleys, to make, establish, and build, and construct sewers, and to carry out a system of sewerage, to erect lamp posts, and to build public cisterns, to drain the city and to take private property for any of said purposes; first making provision for ascertaining and payment of adequate and just compensation for all damages to the owners of such property, in such manner as the Council, by ordinance, may provide, and to require the owners of any lot or piece of ground to lay a good and substantial sidewalk along any street or alley, passing such lot or ground, in such manner as the Council may provide. The expenses of any improvement mentioned in this section or any portion thereof, except sidewalks, may be levied and assessed upon the real estate adjoining or benefited thereby, with the costs of proceedings therein, in proportion as nearly as may be to the benefits resulting thereto; and may be collected as in other cases. The above assessments may be made either by a jury, or by commissioners appointed by the City Council, as (the) Council shall by ordinance provide; and such assessments may be levied and collected before such improvements shall be made, according to the estimated cost of the same, as estimated by the Council, and if such estimate shall be, when collected, insufficient to make such improvements, then the Council may make a second assessment, or may pay the deficiency out of the general fund of the city as they may deem best; all owners, or occupants, in front of, or upon whose premises the Council shall order and direct sidewalks or private drains communicating with any main drain, to be constructed, repaired, relaid or cleansed, shall make, repair, relay, or cleanse such sidewalk, or private drain, at their own cost and charge, in the manner and within the time prescribed by ordinance, or otherwise, and if not done in the manner and within the time prescribed, the City Council may cause the same to be constructed, repaired, relaid, or cleansed, and assess the expense thereof by an order to be entered in their proceedings upon such lots respectively, and collect the same as in other cases. The Council may provide, by ordinance that suits may be instituted, in any court having jurisdiction, against the respective owners

of any real estate, for the recovery of the amount of the expenses and costs of and special tax or assessment authorized by this section, and it may be optional with the Council, which remedy shall be pursued.

§ 4. HORSE RAILWAYS.] The City Council shall have power, by ordinance, to contract with horse railway companies as to the manner of laying down tracks for horse railways, and the location of switches, turn-outs and depots, and to require the companies constructing said railways, to plank or otherwise keep the same in repair between the rails, in such manner as the City Council may direct. To designate the grade upon which said railway shall be laid, and the portion of the street upon which the same shall be laid, and to require said companies to keep in repair and unobstructed, suitable crossings wherever said railway shall cross the streets, alleys, sidewalks and crosswalks of said city ; and to require said companies to lay their tracks and run their cars in such a manner as shall not obstruct or hinder the ordinary travel upon the streets or avenues where their tracks are laid.

§ 5. CITY COUNCIL MAY ISSUE BONDS.] The City Council shall have power to issue bonds of said city to an amount not exceeding ten thousand dollars, which bonds shall be made payable in not more than twenty years, and shall bear a rate of interest not exceeding ten per cent. per annum, for the purpose of purchasing and equipping one or more fire engines, and for purchasing or building such buildings as may be necessary for properly keeping the same ; such bonds shall be executed and issued in such manner as the Council may provide, the interest to be paid annually, or semi-annually at the option of the Council.

CHAPTER VII.

MISCELLANEOUS PROVISIONS.

SECTION 1. Style of ordinance—proof of publication.

- " 1. Ordinances—how proven.
- " 2. Old ordinances to continue in force.
- " 3. Former suits, rights, etc.
- " 4. Property—officers.
- " 5. Prior acts valid.
- " 6. City exempt from costs.
- " 7. Appeal bond—not required from city.
- " 8. Suits—where brought.
- " 9. Compensation of Mayor and aldermen, etc.
- " 10. Plats to be approved by Council.
- " 11. Conservators of the peace.
- " 12. Construction of act.
- " 13. Act deemed public.
- " 14. When in force.

SECTION 1. STYLE OF ORDINANCE—PROOF OF PUBLICATION.]
 The style of the ordinances of the city shall be, "Be it ordained by the City Council of the City of Bloomington," and all ordinances passed by the Council, shall within one month after they shall have been passed, be published in some newspaper published in the city, and shall not be in force until they shall have been published, as aforesaid, and proof of said publication by the affidavit of the printer or publisher of said newspaper, taken before any officer authorized to administer oaths, and filed with the City Clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinances in all courts or places.

§ 2. ORDINANCES—HOW PROVEN.] All ordinances of the city may be proven by a copy thereof, certified by the Clerk, under his hand, and the corporate seal of the city, if there be one; and, when printed and published in book or pamphlet form, by authority of the corporation, the same shall be received in evidence in all courts and places without further proof; and the Council shall cause all ordinances of the city, then in force, to be revised and published in book or pamphlet form within twelve months after the passage of this act.

§ 3. ORDINANCES TO CONTINUE IN FORCE.] All ordinances, regulations and resolutions now in force in the city of Bloomington, and not inconsistent with this act, shall remain in force under this act, until altered, modified or repealed by the Council, after this act shall take effect.

§ 4. FORMER SUITS, RIGHTS, ETC.] All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accrued under the several acts, consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

§ 5. PROPERTY—OFFICERS.] All property, real, personal or mixed, belonging to the city of Bloomington, is hereby vested in the corporation created by this act; and the officers of said corporation, now in office, shall respectively continue in the same, until superseded in conformity to the provisions hereof, but shall be governed by this act.

§ 6. PRIOR ACTS VALID.] This act shall not invalidate any legal act done by the Council of the City of Bloomington, or by its officers, nor divest their successors, under this act, of any rights of property or otherwise, or liability which may have accrued to, or been created by the corporation prior to the passage of this act.

§ 7. CITY EXEMPT FROM COSTS.] In all prosecutions or suits brought by the City of Bloomington, for the violations of any ordinances, by-laws or police regulations, the said city shall be exempt from all court fees to the same extent as the State, by the criminal laws thereof, is in criminal prosecutions.

§ 8. APPEAL BOND NOT REQUIRED FROM CITY.] When in any suit the City of Bloomington shall pray an appeal from the judgment of any court of this State, to a higher court, said city shall not be required to file an appeal bond, but such appeal shall be granted without bond.

§ 9. SUITS—WHERE BROUGHT.] All suits or actions for the recovery of any fine, penalty, or forfeiture, arising under this act, or the ordinances of the city, where the amount sued for or in controversy, does not exceed one hundred dollars, may be brought before any police magistrate of the city, or before any justice of the peace in the city, designated by the Council. *Provided:* That police magistrates and police constables, when elected under any law of this State, and all justices of the peace designated by the Council, and called upon to act under any ordinance, shall, in addition to the bond now required by the laws of this State, enter into bond to the City of Bloomington, in such sum as the Council may direct, binding them to make their report, and pay over to the Treasurer all moneys which may come into their hands belonging to the city, and to obey and conform to such police regulations as may be established by the Council.

§ 10. COMPENSATION OF MAYOR AND ALDERMEN, ETC.] The Mayor and aldermen of said city shall each receive, in full compensation for their official services, the sum of one dollar

per year and no more; and neither the Mayor or any alderman shall, during his term of office, be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by fees, directed to be paid by any act or ordinance of the City Council, or be directly or indirectly interested in any contract, the expenses or consideration of which are to be paid under any ordinance of the City Council.

§ 11. PLATS TO BE APPROVED BY COUNCIL.] In all cases when lands in or adjoining said city are hereafter sub-divided and laid out in blocks, lots, sub-lots, streets and alleys, or when new streets or public grounds are donated or granted to the public by any person, the map or plat thereof shall be submitted to the City Council for approval; if they approve the same, a certificate of such approval shall be endorsed upon such map or plat, signed by the Mayor and certified under the seal of said city, and no such map or plat shall be entitled to record or have any validity until so approved by said Council, and such map or plat when so approved by the City Council shall be deemed legal and valid without the approval of the Board of Supervisors of McLean county, or any other county authorities.

§ 12. CONSERVATORS OF THE PEACE.] All officers of the city, aldermen included, are hereby created conservators of the peace by this act, and shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break, or threaten to break the peace, and if necessary, detain such persons in custody over night in the city jail, or other safe place, and shall have and exercise such other powers as conservators of the peace as the Council may prescribe.

§ 13. CONSTRUCTION OF ACT.] Nothing in this act contained shall be construed so as to deprive the Council of said city of any power or authority conferred upon the same, by the act under which said city was incorporated, and the various acts amendatory thereto, but the Council shall possess and enjoy all the powers and authority heretofore conferred upon the same, except so far as such power and authority have been expressly modified or repealed by this act, or the acts heretofore mentioned.

§ 14. ACT DEEMED PUBLIC.] This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places.

§ 15. WHEN IN FORCE.] This act shall take effect and be in force from and after its passage.

NUMBER VIII.

An act to enable the city of Bloomington to issue bonds and levy a tax for the purpose of paying for the grounds recently purchased in said city by the Chicago and Alton Railroad Company, for their Machine Shops.

[In force March 3, 1869.]

SECTION 1. Council empowered to issue bonds or levy a tax.
 " 2. When in force.

WHEREAS, The citizens of the City of Bloomington, in order to induce the Chicago and Alton Railroad Company to erect in said city large and permanent shops, for the purpose of doing the manufacturing and repairing of the machinery for the operation of the said Chicago and Alton railroad, did guarantee to said railroad company that, if said company should purchase within said city the necessary grounds for said purpose, and pay for the same, and erect in said city permanent shops for said purpose, that the said city would repay to the said company the entire cost of said grounds, together with interest on the same at the rate of ten per cent. per annum, from and after its expenditure, within the period of two years from and after the first day of April, 1868; and

WHEREAS, The said company did purchase and pay for, within said city, grounds for said purpose, at a cost to said company of about \$50,000, and have partly erected and have in the course of erection, large, elegant and substantial buildings, for the purpose of said shops: therefore,

SECTION 1. COUNCIL EMPOWERED TO ISSUE BONDS OR LEVY A TAX.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Mayor and Council of the City of Bloomington, in the county of McLean, in the State of Illinois, be and they are hereby empowered and directed to either issue the bonds of said city, in five equal installments, due in one, two, three, four and five years from and after the first day of April, 1869, with interest coupons—bonds and coupons payable at the office of the Treasurer of said city, bearing interest at the rate of ten per cent. per annum, and one-fifth of said bonds to fall due annually—to an amount sufficient to reimburse said company the entire cost of said ground, together with ten per cent. interest thereon, from and after the same was expended by said company, and to levy a

tax upon all taxable property in said city, sufficient to pay the principal and interest of said bonds, as they severally fall due: or, in their discretion, they may levy a tax at once upon the taxable property of said city, sufficient to reimburse said company for the money expended in the purchase of said ground, and interest on the same at the rate of ten per cent. per annum, from and after the time it was so expended by said company; and they shall either issue said bonds and commence the levy of a tax for the payment of the principal and interest on them, as above, or levying the tax for the payment of the entire sum, as above, within six months after the passage of this act.

§ 2. WHEN IN FORCE.] This act shall be in force from and after its passage, and shall be deemed and taken in all courts and elsewhere as a public act.

This bill having been returned by the Governor with objections thereto, and after reconsideration having passed both houses by a constitutional majority, it has become a law this third day of March, A. D. 1869.

EDWARD RUMMEL,
SECRETARY OF STATE.

NUMBER IX.

An act to amend the charter of the city of Bloomington.

[In force March 8th, 1869.]

SECTION 1. City Council may license insurance companies, etc,
 " 2. Appeals.
 " 3. Ordinances—evidence of.
 " 4. Pay of Mayor and aldermen.
 " 5. Repeal.
 " 6. Registry—when not necessary.
 " 7. Act deemed public.

SECTION 1. CITY COUNCIL MAY LICENSE INSURANCE COMPANIES, ETC.] *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That, in addition to the powers conferred upon the City Council of the City of Bloomington by the charter of said city, said City Council shall have power by ordinance to license, tax and regulate butchers and dealers in fresh meats, insurance companies and insurance agents. *Provided,* That when any insurance company shall be required to pay a license for doing business in said city, such company and the agent thereof shall be exempt by reason of the payment of such license from the tax imposed by section two (2), Chapter five (5) of the charter of said city. Said City

Council shall also have power to levy and collect annually a tax, not to exceed two (2) mills on the dollar, on all taxable real and personal property in said city—to defray the expense of lighting the streets of said city, in addition to the amount now authorized by the charter of said city, to be levied and collected for that purpose.

§ 2. APPEALS.] Whenever any appeal shall be taken from the judgment of any justice of the peace or police magistrate of said city, as provided for in section two (2) of chapter six (6), of the charter of said city, either party shall have the right to introduce additional evidence, on the trial of such appeal in the appellate court; but if no additional evidence shall be produced, then such appeal shall be heard on the bill of exceptions, as provided in said charter. *Provided*, That the party offering the testimony so preserved in such bill of exceptions, shall have had issued in apt time a subpoena from the appellate court to the sheriff of the county where such cause is pending, for such witness or witnesses.

§ 3. ORDINANCES, EVIDENCE OF.] All ordinances of said city may be proved by a copy thereof, certified by the Clerk of said city, and the corporate seal thereof, if there be one, or by the record of such ordinance. The publication of any and all ordinances may be proved by the certificate of the publishers or one of them, or by the oral testimony of any competent witness; and when the ordinances of said city shall be printed and published in book or pamphlet form by authority of said City Council, the same shall be received in evidence in in all courts and places without further proof.

§ 4. PAY OF MAYOR AND ALDERMEN.] The Mayor of said city shall receive for his services such sum as may be fixed by the City Council of said city, not exceeding the rate of five hundred dollars per annum. Each alderman of said city shall receive for his services such sum as may be fixed by ordinance, not exceeding three dollars for each meeting of the City Council of said city, actually attended by him.

§ 5. REPEAL.] Paragraph seven (7) of chapter five (5), section two (2) of chapter seven (7), and section ten (10) of chapter seven (7), of the charter of said city of Bloomington, are hereby repealed.

§ 6. REGISTRY—WHEN NOT NECESSARY.] No registration of voters shall be necessary prior to an election for members of the Board of Education of said city: *Provided*, no other officer than members of said Board of Education is to be elected at such election.

§ 7. ACT DEEMED PUBLIC.] This act shall be deemed a public act, and be in force from and after its passage.

NUMBER X.

An Act to Authorize the City of Bloomington to issue Bonds for Sewerage.

[Approved March 31, 1869. In force June 19, 1869.]

SECTION 1. Issue of bonds authorized.
" 2. Sewerage.

SECTION 1. ISSUE OF BONDS AUTHORIZED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the city of Bloomington is hereby authorized to issue bonds, not exceeding in amount the sum of \$50,000, and not exceeding in any one year the sum of \$10,000, of such denominations as the City Council of said city shall determine, to draw interest at a rate not to exceed ten per cent. per annum, payable, annually, at the treasury of said city. Said bonds shall be made redeemable from time to time, as said City Council shall direct, at its treasury in Bloomington: *Provided*, that the redemption of said bonds shall not be extended longer than twenty years. No bond shall be issued except by special order of the Council of said city, at a regular meeting thereof, to be entered on the records of said Council. Each bond shall be numbered, signed by the Mayor and Clerk of said city, and have the seal of said city affixed, and be countersigned by the Treasurer of said city. The Clerk and treasurer shall both keep a particular record of the number, denomination, date, and the time when each bond so issued shall be redeemable.

§ 2. SEWERAGE.] Said bonds shall be sold or negotiated to defray the expenses of a general system of sewerage, which may be adopted and carried out in said city, and for no other purpose; and no bond or bonds shall be issued till the proceeds thereof shall be needed to pay for materials or labor, or both, then contracted for such sewerage. The proceeds arising from the sale of any of said bonds shall be kept and accounted for by the treasurer of said city, separate and independent from all other funds.

NUMBER XI.

SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

Article IX of an act of the Legislature of the State of Illinois entitled "An act to provide for the incorporation of cities and villages."

[Approved April 10, 1872. In force July 1, 1872. Adopted by the city of Bloomington by ordinance, July 5, 1872. See chapter XVIII of ordinances.]

SECTION 1. POWERS CONFERRED.

- " 2. Ordinance for improvement.
- " 3. When property is to be taken, etc.
- " 4. Petition.
- " 5. Form of petition.
- " 6. Summons-publication-notice.
- " 7. Hearing-jury.
- " 8. Jury to ascertain compensation-admitting other parties.
- " 9. Viewing premises-ownership, etc.
- " 10. Judgment-new parties-further proceedings.
- " 11. Powers of court.
- " 12. Ownership-further powers of court.
- " 13. Persons under disability.
- " 14. Judgment-effect-appeal, etc.
- " 15. Order for possession.
- " 16. When improvement made by general tax.
- " 17. Special taxation.

SPECIAL ASSESSMENTS.

- " 18. How made.
- " 19. Ordinance for sidewalks-owner's rights.
- " 20. Estimate of cost.
- " 21. Order for proceedings in court.
- " 22. Petition to court.
- " 23. Appointment of commissioners-oath.
- " 24. Duty of commissioners.
- " 25. (Repealed.)
- " 26. Assessment roll-return of roll.
- " 27. Notice by mail, posting and publication.
- " 28. Proof of notice.
- " 29. Continuance when notice not in time.
- " 30. Objections-judgment by default.
- " 31. Hearing-jury.
- " 32. Precedence.
- " 33. Court may modify, etc., the assessment.
- " 34. Judgment several-appeal, etc.-lien.
- " 35. Judgment certified to City Clerk-filing-warrant.
- " 36. Form of warrant.
- " 37. Collector's notice-form of.
- " 38. Manner of collecting-entry of payment.
- " 39. Report of delinquent list to County Collector-evidence-defence.
- " 40. Application for judgment-what laws govern.
- " 41. Return of sales-redemption.
- " 42. Penalty when lands paid are sold for tax, etc.
- " 43. Paying over compensation.
- " 44. General revenue laws apply.
- " 45. City or village may buy in.
- " 46. When assessment set aside-new assessment.
- " 47. Supplemental assessments.
- " 48. New assessments against delinquents-lien-limitation.
- " 49. Contracts payable from assessments.
- " 50. How contracts let-approval.
- " 51. Lien.
- " 52. Collection of assessment by suit.
- " 53. Supplemental petition to assess benefits in condemnation cases.
- " 54. Adoption of this article.

SECTION 1. POWERS CONFERRED.] That the corporate authorities of cities and villages are hereby vested with power to make local improvements by special assessment or by special taxation, or both, of contiguous property, or general tax-

ation or otherwise, as they shall by ordinance prescribe. [See Const., art. 9, sec. 9; "Plats," ch. 109, sec. 1-10.

§ 2. ORDINANCE FOR IMPROVEMENT.] When any such city or village shall, by ordinance, provide for the making of any local improvement, it shall by the same ordinance, prescribe whether the same shall be made by special assessment or by special taxation of contiguous property, or general taxation, or both.

§ 3. WHEN PROPERTY IS TAKEN, ETC.] Should said ordinance provide for improvements which require the taking or damaging of property, the proceeding for making just compensation therefor shall be as follows :

§ 4. PETITIONS.] Whenever any such ordinance shall be passed by the legislative authority of any such city or village, for the making of any improvement mentioned in the first section of this act, or any other local improvement that such city or village is authorized to make, the making of which will require that private property be taken or damaged for public use, such city or village shall file a petition in some court of record of the county in which such city is situated, in the name of the city, praying that "the just compensation to be made for private property to be taken or damaged for the improvement or purpose specified in such ordinance shall be ascertained by a jury." [See Const., sec. 2, art. 3.

§ 5. FORM OF PETITION.] Such petition shall contain a copy of the said ordinance, certified by the clerk, under the corporate seal; a reasonably accurate description of the lots, parcels of land and property which will be taken or damaged, and the names of the owners and occupants thereof, so far as known to the board or officer filing the petition, and where any known owners are non-residents of the State, stating the fact of such non-residence.

§ 6. SUMMONS—PUBLICATION—NOTICE.] Upon the filing of the petition aforesaid, a summons, which may be made returnable upon any day in term time, shall be issued and served upon the persons made parties defendant as in cases in chancery. And in case any of them are unknown, or reside out of this State, the clerk of the court, upon an affidavit being filed showing such fact, shall cause publication to be made in some newspaper printed in his county, or if there be no newspaper published in his county, then in some newspaper published in this State, containing notice of the pendency of such proceeding, the parties thereto, the title of the court, and the time and place of the return of the summons in the case and the nature of said proceeding; such publication to be made

for four weeks consecutively, at least once in each week, the first of which shall be at least thirty days before the return day of such summons. Notices so given by publication shall be sufficient to authorize the court to hear and determine the suit, as though all parties had been sued by their proper names and had been personally served. [As amended by act approved and in force March 30, 1874.

§ 7. HEARING—JURY.] Upon the return of said summons or as soon thereafter as the business of the court will permit, the said court shall proceed to the hearing of such petition, and shall impanel a jury to ascertain the just compensation to be paid to all of such owners and occupants aforesaid; but if any defendant or party in interest shall demand, or the court shall deem it proper, separate juries may be impaneled as to the compensation or damages to be paid to any one or more of such defendants or parties in interest. [As amended by act approved and in force March 30, 1874.

§ 8. JURY TO ASCERTAIN COMPENSATION—ADMITTING OTHER PARTIES.] Such jury shall also ascertain the just compensation to be paid to any person claiming an interest in any lot, parcel of land, or property which may be taken or damaged by such improvement, whether or not such person's name, or such lot, parcel of land, or other property, is mentioned or described in such petition: *Provided*, Such person shall first be admitted as a party defendant to said suit by such court, and shall file a statement of his interest in and description of the lot, parcel of land, or other property, in respect to which he claims compensation.

§ 9. VIEWING PREMISES—OWNERSHIP, ETC.] The court may, upon the motion of such city or village, or of any person claiming any such compensation, direct that said jury (under the charge of an officer of the court) shall view the premises which it is claimed by any party to said proceeding will be taken or damaged by said improvement, and in any case, where there is no satisfactory evidence given to the jury as to the ownership of, or as to the extent of the interest of any defendant in the property to be taken or damaged, the jury may return their verdict as to the compensation or damage to be paid for the property or part of property to be taken or damaged, and for the entire interests therein. [As amended by act approved and in force March 30, 1874.

§ 10. JUDGMENT — NEW PARTIES — FURTHER PROCEEDINGS.] Upon the return of such verdict the court shall order the same to be recorded, and shall enter such judgment or decree thereon as the nature of the case may require. The court shall

continue or adjourn the cause, from time to time, as to all occupants and owners named in such petition who shall not have been served with process, or brought in by publication, and shall order a new summons to issue and new publication to be made; and upon such occupants or owners being brought into court, shall impanel a jury to ascertain the compensation so to be paid to such defendant or defendants, for private property taken or damaged; and like proceedings shall be had for such purpose as hereinbefore provided for the ascertaining of compensation to other owners.

§ 11. POWERS OF COURT.] The court shall have power, at any time, upon proof that any such owner or owners named in such petition, who has not been served with process, has ceased to be such owner or owners since the filing of such petition, to impanel a jury and ascertain the just compensation to be made for the property (or the damage thereto) which had been owned by the person or persons so ceasing to own the same; and the court may, upon any finding or findings of any jury or juries, or at any time during the course of such proceedings, enter such order, rule, judgment or decree, as the nature of the case may require.

§ 12. OWNERSHIP—FURTHER POWERS OF COURT.] No delay in making an assessment of compensation shall be occasioned by any doubt or contest which may arise as to the ownership of the property, or any part thereof, or as to the interests of the respective owners or claimants, but in such case the court may impanel a jury and ascertain the entire compensation or damage that should be paid for the property, or part of property, and the entire interests of all parties therein, and may require adverse claimants to interplead so as to fully determine their rights and interests in the compensation so ascertained. And the court may make such order as may be necessary in regard to the deposit or payment of such compensation.

§ 13. PERSONS UNDER DISABILITY.] When it shall appear from said petition or otherwise, at any time during the proceedings upon such petition, that any infant, or insane or distracted person, is interested in any property that is to be taken or damaged, the court shall appoint a guardian, *ad litem*, for such infant, or insane or distracted person to appear and defend for him, her or them; and the court shall make such order or decree as it shall deem proper to protect and secure the interest of such infant, or insane or distracted person, in such property, or the compensation which shall be awarded therefor.

§ 14. JUDGMENT—EFFECT—APPEAL, ETC.] Any final judgment or judgments rendered by said court, upon any finding or findings of any jury or juries, shall be a lawful and sufficient condemnation of the land or property to be taken upon the payment of the amount of such finding as hereinafter provided. It shall be final and conclusive as to the damages caused by such improvement, unless such judgment or judgments shall be appealed from; but no appeal or writ of error upon the same shall delay proceedings under said ordinance, if such city or village shall deposit, as directed by the court, the amount of the judgment and costs, and shall file a bond in the court in which such judgment was rendered, in a sum to be fixed and with security to be approved by the judge of said court, which shall secure the payment of any future compensation which may at that time be finally awarded to such party so appealing or suing out such writ of error, and his or her costs.

§ 15. ORDER FOR POSSESSION.] The court, upon proof that said just compensation so found by the jury has been paid to the person entitled thereto or has been deposited as directed by the court (and bond given in case of any appeal or writ of error,) shall enter an order that the city or village shall have the right, at any time thereafter, to take possession of or damage the property, in respect to which such compensation shall have been so paid or deposited, as aforesaid.

§ 16. WHEN IMPROVEMENT MADE BY GENERAL TAX.] When the ordinance under which said improvement is ordered to be made shall provide that such improvement shall be made by general taxation, the cost of such improvement shall be added to the general appropriation bill of such city or village, and shall be levied and collected with and as a part of the general taxes of such city or village.

§ 17. SPECIAL TAXATION.] When said ordinance under which said local improvement shall be ordered shall provide that such improvement shall be made by special taxation of contiguous property, the same shall be levied, assessed and collected in the way provided in the sections of this act providing for the mode of making, levying, assessing and collecting special assessments.

SPECIAL ASSESSMENTS.

§ 18. HOW MADE.] When the ordinance under which said local improvement is ordered to be made shall provide that such improvement shall be wholly or in part made by special assessment, the proceedings for the making such special assess-

ments shall be in accordance with the sections of this *act* (article) from 18 to 51 inclusive.

§ 19. **ORDINANCE FOR SIDEWALKS—OWNER'S RIGHTS.]** Whenever such local improvements are to be made wholly or in part by special assessment, the said Council in cities or Board of Trustees in villages, shall pass an ordinance to that effect, specifying therein the nature, character, locality and description of such improvement: *Provided*, That whenever any such ordinance shall provide only for the building or renewing of any sidewalk, the owner of any lot or piece of land fronting on such sidewalk shall be allowed fifteen days after the time at which such ordinance shall take effect in which to build or renew such sidewalk opposite his land, and thereby relieve the same from assessment: *Provided*, That the work so to be done shall in all respects conform to the requirements of such ordinance.

§ 20. **ESTIMATE OF COST.]** The City Council or Board of Trustees shall appoint three of its members, or any other three competent persons, who shall make an estimate of the cost of the improvement contemplated by such ordinance, including labor, materials and all other expenses attending the same, and the cost of making and levying the assessment, and shall report the same in writing to said Council or Board of Trustees.

§ 21. **ORDER FOR PROCEEDINGS IN COURT.]** On such report being made, and approved by the Council or Board of Trustees, as the case may be, it may order a petition to be filed by such officer as it shall direct, in the county court of its county, for proceedings to assess the cost of such improvement in the manner provided in this *act*.

§ 22. **PETITION TO COURT.]** The petition shall be in the name of the corporation, and shall recite the ordinance for the proposed improvement and the report of such commission, and shall pray that the cost of such improvement may be assessed in the manner prescribed by law.

§ 23. **APPOINTMENT OF COMMISSIONERS—OATH.]** Upon the filing of such petition the court shall appoint three competent persons as commissioners, who shall take and subscribe an oath, in substance as follows, to-wit:

STATE OF ILLINOIS, }
— COUNTY. } ss.

We, the undersigned, commissioners appointed by the county court of — county, to assess the cost of — (here state in general terms the improvement) do solemnly swear (or affirm as the case may be) that we will a true and

impartial assessment make of the cost of said improvement upon the city (or village) of _____, and the property benefited by such improvement to the best of our ability, and according to law.

§ 24. DUTY OF COMMISSIONERS.] It shall be the duty of such commissioners to examine the locality where the improvement is proposed to be made, and the lots, blocks, tracts and parcels of land that will be specially benefited thereby, and to estimate what proportion of the total cost of such improvement will be of benefit to the public, and what proportion thereof will be of benefit to the property to be benefited, and apportion the same between the city or village and such property, so that each shall bear its relative equitable proportion; and having found said amounts, to apportion and assess the amount so found to be of benefit to the property upon the several lots, blocks, tracts and parcels of land in the proportion in which they will be severally benefited by such improvement; *Provided*, That no lot, block, tract or parcel of land shall be assessed a greater amount than it will be actually benefited; *And provided, further*, that it shall not be necessary for said commissioners to examine the locality except where the ordinance provides for the opening, widening or improvement of streets and alleys. [As amended by act approved and in force March 30, 1874.

§ 25. (Repealed by act approved April 25, 1873.)

§ 26. ASSESSMENT ROLL—RETURN.] They shall also make or cause to be made an assessment roll, in which shall appear the names of the owners, so far as known, a description of each lot, block, tract or parcel of land, and the amounts assessed as special benefits thereto, and in which they shall set down as against the city or village the amount they shall have found as public benefit, and certify such assessment roll to the court by which they were appointed, at least ten days before the first day of the term at which a final hearing thereon shall be had. [As amended by act approved and in force March 30, 1874.

§ 27. NOTICE BY MAIL, POSTING AND PUBLICATION.] It shall also be the duty of such commissioners to give notice of such assessment, and of the term of court at which a final hearing thereon will be had, in the following manner:

First—They shall send by mail to each owner of premises assessed, whose name and place of residence is known to them, a notice substantially in the following form:

Mr. _____, your (here give a short description of the premises) is assessed \$____ for public improvement. The

assessment roll will be returned to the _____ term of the county court of _____ county, _____, _____,

(Here give date.)

_____,
_____,
_____,
Commissioners.

Second—They shall cause at least ten days' notice to be given, by posting notices in at least four public places, in such city or village, two of which shall be in the neighborhood of such proposed improvement; and when a daily newspaper is published in such city or village, by publishing the same at least five successive days in such daily newspaper, or if no daily newspaper is published in such city or village, and a weekly newspaper is published therein, then at least once in each week, for two successive weeks, in such weekly newspaper, or if no daily or weekly newspaper is published in such city or village, then in a newspaper published in the county in which such city or village is situated. The notice may be substantially as follows:

SPECIAL ASSESSMENT NOTICE.

Notice is hereby given to all persons interested, that the City Council (or board of trustees, as the case may be,) of _____, having ordered that (here insert the description and nature of improvements substantially as in ordinance,) have applied to the County Court of _____ county for an assessment of the cost of said improvements, according to benefits; and an assessment thereof having been made and returned to said court, the final hearing thereon will be had at the _____ term of said court, commencing on the _____ day of _____ A. D. 18_____. All persons desiring may then and there appear and make their defense.

(Here give date.)

_____,
_____,
_____,

Commissioners.

[As amended by act approved April 25, 1873; in force July 1, 1873.

§ 28. PROOF OF NOTICE.] On, or before the final hearing, the affidavit of one or more of the commissioners, shall be filed in said court, stating that they have sent, or caused to be sent by mail, to the owners whose premises have been assessed, and whose name and place of residence are known to them, the notice herein before required to be sent by mail to owners of premises assessed. They shall also cause to be filed the affidavit of the person who shall have posted the

notices required by this act to be posted, setting forth when and in what manner the same were posted. Such affidavits shall be received as *prima facie* evidence of a compliance with this act in regard to giving such notices. They shall also file a certificate of publication of said notice in like manner as is required in other cases of publication of notices. [As amended by act approved April 25, 1873; in force July 1, 1873.

§ 29. CONTINUANCE WHEN NOTICE NOT IN TIME.] If ten days shall not have elapsed between the first publication, or the putting up of such notices, and the first day of the next term of such court, the hearing shall be continued until the next term of court.

§ 30. OBJECTIONS—JUDGMENT BY DEFAULT.] Any person interested in any real estate to be affected by such assessment, may appear and file objections to such report, and the court may make such order in regard to the time of filing such objections as may be made in cases at law in regard to the time of filing pleas. As to all lots, blocks, tracts and parcels of land to the assessment of which objections are not filed within the time ordered by the court, default may be entered, and the assessment confirmed by the court.

§ 31. HEARING—JURY.] On the hearing, the report of the commissioners shall be competent evidence, and either party may introduce such other evidence as may tend to establish the right of the matter. The hearing shall be conducted as in other cases at law, and if it shall appear that the premises of the objector are assessed more or less than they will be benefited, or more or less than their proportionate share of the cost of the improvement, the jury shall so find, and also find the amount for which such premises ought to be assessed, and judgment shall be rendered accordingly.

§ 32. PRECEDENCE.] The hearing, in all cases, arising under this act, shall have precedence over all other cases in such court, except criminal cases.

§ 33. COURT MAY MODIFY, ETC., THE ASSESSMENT.] The court before which any such proceeding may be pending, shall have authority, at any time before final *adjournment* [judgment] to modify, alter, change, annul or confirm any assessment returned, as aforesaid, or cause any such assessment to be recast by the same commissioners whenever it shall be necessary for the attainment of justice, or may appoint other commissioners in the place of all or any of the commissioners first appointed, for the purpose of making such assessment, or modifying, altering, changing or recasting the same, and may take all such proceedings and make all such orders as may be

necessary to make a true and just assessment of the cost of such improvement according to the principles of this act, and may, from time to time, as may be necessary, continue the application for that purpose as to the whole, or any part of the premises.

§ 34. JUDGMENT SEVERAL—APPEAL, ETC.—LIEN.] The judgment of the court shall have the effect of a several judgment as to each tract or parcel of land assessed, and any appeal from such judgment, or writ of error, shall not invalidate or delay the judgment, except as to the property concerning which the appeal, or writ of error, is taken. Such judgment shall be a lien upon the property assessed, from the date thereof, until payment shall be made.

§ 35. JUDGMENT CERTIFIED TO CITY CLERK—FILING—WARRANT.] The clerk of the court in which such judgment is rendered shall certify the assessment roll and judgment to the clerk of such city or village, or if there has been an appeal or writ of error taken on any part of such judgment, then he shall certify such part of the judgment as is not included in such appeal or writ of error. The clerk of the city or village shall file such certificate in his office, and issue a warrant for the collection of such assessment.

§ 36. FORM OF WARRANT.] The warrant in all cases of assessment under this act shall contain a copy of such certificate of the judgment, describing the lots, blocks, tracts or parcels of land assessed and the respective amounts assessed on each lot, block, tract or parcel of land, and shall be delivered to the officer authorized to collect such special assessments. Such warrant shall give sufficient authority to collect the assessments therein specified.

§ 37. COLLECTOR'S NOTICE—FORM OF.] The collector receiving such warrant shall immediately give notice thereof by publishing such notice in one or more newspapers in such city or village, if such newspaper is there; and if there is no such newspaper, then by posting four copies thereof in public places along the line of the proposed improvement. Such notice may be substantially in the following form :

SPECIAL ASSESSMENT NOTICE. SPECIAL WARRANT NO. —

Public notice is hereby given that the (here insert title of court) has rendered judgment for a special assessment upon property benefited by the following improvement (here insert the character and location of the improvement in general terms) as will more fully appear from the certified copy of the judgment on file in the office of the clerk of the city (or vil-

lage) of _____; that a warrant for the collection of such assessment is in the hands of the undersigned. All persons interested are hereby notified to call and pay the amounts assessed at the collector's office, (here insert location of office) within thirty days from the date hereof.

Dated this — day of —, A. D. 18—

Collector.

§ 38. MANNER OF COLLECTING—ENTRY OF PAYMENT.] It shall be the duty of the collector into whose hands the warrants shall so come, as far as practicable, to call upon all persons resident within the corporation whose names appear on the assessment roll, or the occupants of the property assessed, and personally or by written or printed notice left at his or her usual place of abode, inform them of such assessment, and request payment of the same. Any such collector omitting so to do shall be liable to a penalty of \$10 for every such omission, but the validity of the special assessment, or the right to apply for and obtain judgment for any such special [assessment] shall not be affected by such omission. It shall be the duty of such collector to write the word “paid” opposite each tract or lot on which the assessment is paid, together with the name and post-office address of the person making the payment, and date of payment.

§ 39. REPORT OF DELINQUENT LIST TO COUNTY COLLECTOR—
EVIDENCE—DEFENSE.] It shall be the duty of the collector of special assessments, within such time as the City Council or Board of Trustees may by ordinance provide, to make a report in writing—to the general officer of the county authorized or to be designated by the general revenue law of this State, to apply for judgment and sell lands for taxes due the county and State—of all the lands, town lots and real property on which he shall have been unable to collect special assessments, with the amount of special assessments due and unpaid thereon, together with his warrant, or with a brief description of the nature of the warrant or warrants received by him authorizing the collection thereof; which report shall be accompanied with the oath of the collector that the list is a correct return and report of the lands, town lots and real property on which the special assessments levied by authority of the city of _____ (or village of _____, as the case may be,) remain due and unpaid; that he is unable to collect the same or any part thereof, and that he has given the notice required by law that said warrants had been received by him for collection. Said report, when so made, shall be *prima facie*

evidence that all the forms and requirements of the law in relation to making said return have been complied with, and that the special assessments mentioned in said report are due and unpaid. And, upon the application for judgment upon such assessment, no defense or objection shall be made or heard which might have been interposed in the proceeding for the making of such assessment, or the application for the confirmation thereof.

§ 40. APPLICATION FOR JUDGMENT—WHAT LAWS GOVERN.] When said general officer shall receive the report provided for in the preceding section, he shall at once proceed to obtain judgment against said lots, parcels of land and property for said special assessments remaining due and unpaid, in the same manner as is or may be by law provided for obtaining judgment against lands for taxes due and unpaid the county and State; and shall in the same manner proceed to sell the same for the said special assessments remaining due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of this State, except when otherwise provided herein. [See "Revenue," ch. 120, sec. 182 *seq.*]

§ 41. RETURN OF SALES—REDEMPTION.] After making said sales, the list of lots, parcels of land and property sold thereat, shall be returned to the office of the County Clerk, and redemption may be made as provided for by the general revenue law of this State. [See "Revenue," ch. 120, sec. 210—215.]

§ 42. PENALTY WHEN LANDS PAID ARE SOLD FOR TAX, ETC.] If the collector shall receive any moneys for taxes or assessments, giving a receipt therefor, for any land or parcel of land, and afterwards return the same as unpaid to the State officers authorized to sell lands for taxes, or shall receive the same after making such return, and the same be sold for tax or assessment which has been so paid and receipted for by himself or his clerks, he and his bond shall be liable to the holder of the certificate given to the purchasers at the sale, for double the amount of the face of the certificate, to be demanded in two years from the date of the sale, and recovered in any court having jurisdiction of the amount; and the city or village shall, in no case, be liable to the holder of such certificate.

§ 43. PAYING OVER—COMPENSATION.] The collector or collectors, and the general officer aforesaid to whom the said warrant shall be returned, shall pay over to the city or village treasurer to which it shall belong all moneys collected by them, respectively, upon or by virtue of such warrant, or upon

any sale for taxes or otherwise, at such time or times, and in such manner as shall be prescribed by ordinance, and shall be allowed such compensation for their services in the collection of such assessment as the ordinances of the city or village may provide, except when such compensation is fixed by general law.

§ 44. **GENERAL REVENUE LAWS APPLY.]** The general revenue laws of this State, in reference to proceedings to recover judgments for delinquent taxes, the sale of property thereon, the execution of certificates of sale and deeds thereon, the force and effect of such sales and deeds, and all other laws in relation to the enforcement and collection of taxes and redemption from tax sales, except as herein otherwise provided, shall be applicable to proceedings to collect such special assessment. [See "Revenue," ch. 120, sec. 191-225.

§ 45. **CITY OR VILLAGE MAY BUY IN.]** Any city or village interested in the collection of any tax or special assessment, may become a purchaser at any sale of any real or personal property to enforce the collection of the same, and may, by ordinance, authorize and make it the duty of one or more city or village officers to attend such sales, and bid thereat in behalf of the corporation.

§ 46. **WHEN ASSESSMENT SET ASIDE—NEW ASSESSMENT.]** If any assessment shall be annulled by the City Council or Board of Trustees, or set aside by any court, a new assessment may be made and returned, and like notice given and proceedings had, as herein required in relation to the first; and all parties in interest shall have the like rights, and the City Council or Board of Trustees and court shall perform like duties and have like power in relation to any subsequent assessment, as are hereby given in relation to the first assessment.

§ 47. **SUPPLEMENTAL ASSESSMENTS.]** If, in any case, the first assessment prove insufficient, a second may be made, in the same manner, as nearly as may be, and so on, until sufficient moneys shall have been realized to pay for such public improvement. If too large a sum shall, at any time, be raised, the excess shall be refunded ratably to those by whom it was paid.

§ 48. **NEW ASSESSMENTS AGAINST DELINQUENTS—LIEN—LIMITATION.]** If, from any cause, any city or village shall fail to collect, the whole or any portion of any special assessment which may be levied, which shall not be canceled and set aside by the order of any court, for any public improvement authorized to be made and paid for by special assessment, the City Council, or board of trustees, may, at any time, within

five years after the confirmation of the original assessment, direct a new assessment, to be made upon the delinquent property for the amount of such deficiency, and interest thereon from the date of such original assessment—which assessment shall be made, as near as may be, in the same manner as is herein prescribed for the first assessment. In all cases where partial payment shall have been made on such former assessment, they shall be credited or allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessment prove ineffectual, either in whole or in part, the City Council, or board of trustees, may, at any time within said period of five years, order a third, and so on, to be levied in the same manner, and for the same purpose; and it shall constitute no legal objection to such assessment that the property may have changed hands, or been encumbered, subsequent to the date of the original assessment, it being the true intent and meaning of this section to make the cost and expense of all public improvements, to be paid for by a special assessment, a charge upon the property assessed therefor, for the full period of five years, from the confirmation of the original assessment, and for such large period as may be required to collect in due course of law any new assessment ordered within that period.

§ 49. CONTRACTS PAYABLE FROM ASSESSMENTS.] All persons taking any contracts with the city or village, and who agree to be paid from special assessments, shall have no claim or lien upon the city or village in any event, except from the collections of the special assessments made for the work contracted for.

§ 50. HOW CONTRACTS LET—APPROVAL.] All contracts for the making of any public improvement, to be paid for in whole, or in part, by a special assessment, and any work or other public improvement, when the expense thereof shall exceed \$500, shall be let to the lowest responsible bidder, in the manner to be prescribed by ordinance—such contracts to be approved by the Mayor or president of the board of trustees: *Provided, however,* any such contract may be entered into by the proper officer without advertising for bids, and without such approval, by a vote of two-thirds of all the aldermen or trustees elected.

§ 51. LIEN.] All special assessments levied by any city or village under this act, shall, from the date of assessment, be a lien upon the real estate upon which the same may be imposed, and such lien shall continue until such special as-

sessments are paid. And the same proceedings may be resorted to by the collector, upon any warrant or order issued or made for the collection of special assessments, as in the case of the collection of state and county taxes under the general laws of the state.

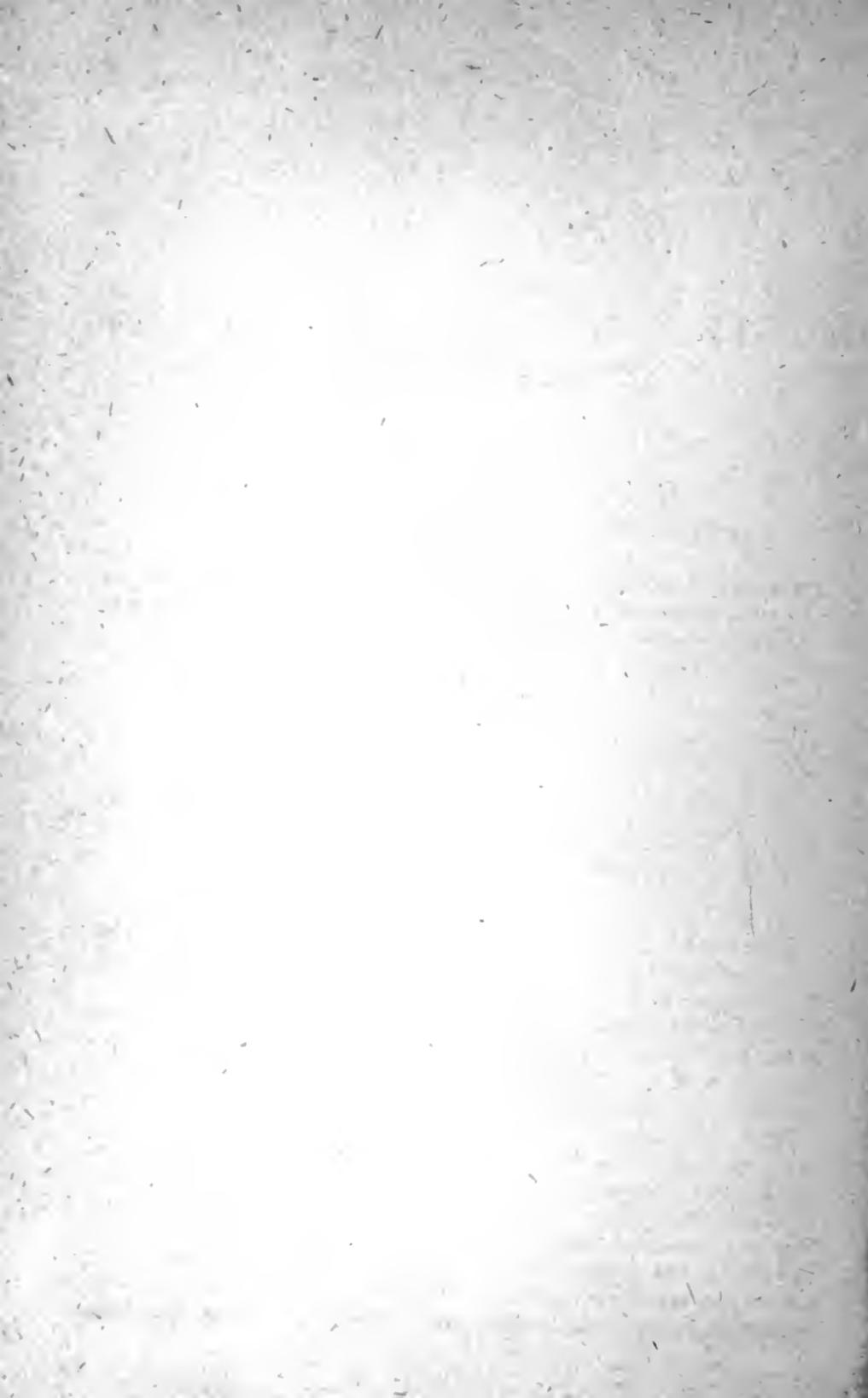
§ 52. COLLECTION BY SUIT.] At any time after the same becomes due, it shall, and may be, lawful for any collector thereof to commence suit in any court of record, in the corporate name of such city or village, against any person or persons, for the total amount of special assessments which such person or persons, are liable for the payment of. Such suit shall be commenced by petition, and shall state the several amounts of the special assessments sought to be recovered, and give a general description of the warrant or warrants issued for the collection thereof. Upon the filing of the petition a summons shall be issued, served and returned as in other suits in such court. Upon the return of such summons, duly served, the court shall forthwith proceed to the hearing of said petition without formal pleadings, and may render judgment for all, or any part, of the special assessments, as the right and justice of the case may require. The original, or a certified copy (by the clerk, under the corporate seal,) of such warrant or warrants and list or lists, or so much thereof as refers to the special assessments sought to be recovered, shall be *prima facie* evidence of the right of said collector to a judgment in favor of such corporation. Execution shall issue on such judgment, as in other cases, but such execution may be first levied upon and collected from any personal property of the defendant; or the court, in which such proceedings were had, may, upon complaint of the city or village, issue a *scire facias* against the person or persons liable for such payment, to show cause why execution should not issue against him or them for the amount of such assessment; and if, upon the return of such *scire facias*, good cause is not shown why execution should not issue, the court may award execution against such person or persons in the usual form of execution upon judgments at law.

§ 53. SUPPLEMENTAL PETITION TO ASSESS BENEFITS IN CONDEMNATION CASE.] Whenever any city or village shall apply to any court for the purpose of making just compensation for property taken or damaged by such proceedings as are authorized by this act, such city or village may file in the same proceeding a supplemental petition, praying the court to cause that an assessment be made for the purpose of raising the

amount necessary to pay the compensation and damages which may be, or shall have been, awarded for the property taken or damaged, with the costs of the proceeding. The said court shall have power, at any time after any such supplemental petition shall have been filed, to appoint three commissioners to make such assessment, and to ascertain, as near as may be, the costs incurred to the time of such appointment, and the probable further costs of the proceedings, including therein the estimated costs of making and collecting such assessment, and shall direct such costs to be included by such commissioners in making said assessment. Like proceedings in making said assessment shall be had, and the assessment shall be made, collected and enforced in the same manner, as near as may be, as is provided in this article in other cases. [As amended by act approved and in force March 30, 1834.

§ 54. ADOPTION OF THIS ARTICLE.] Any city or incorporated town or village may, if it shall so determine by ordinance, adopt the provisions of this article without adopting the whole of this act; and where it shall have so adopted this article, it shall have the right to take all proceedings in this article provided for, and have the benefit of all the provisions hereof.

PART III.



OTHER LAWS AFFECTING THE CITY OF BLOOMINGTON.

ANNEXING AND EXCLUDING TERRITORY.

An Act to Provide for Annexing and Excluding Territory to and from Cities, Towns and Villages, and to unite Cities, Towns and Villages.

[Approved April 10, 1872. In force July 1, 1872.]

SECTION 1. Petition to be annexed—annexing.
" 2. Annexing one corporation to another.
" 3. Proceedings by corporation to annex territory.
" 4. Notice of proceedings.
" 5. Objections to annexation—trial.
" 6. Finding—costs, etc.
" 7. Proceedings by owner to be annexed.
" 8. Proceedings to disconnect.
" 9. Map and ordinance recorded.
" 10. School districts.
" 11. Judicial notice.

SECTION 1. PETITION TO BE ANNEXED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That on petition, in writing, signed by not less than three-fourths of the legal voters, and by the owners of not less than three-fourths (in value) of the property in any territory contiguous to any city or incorporated village or town, and not embraced within its limits, the City Council or board of trustees of said city, village or town (as the case may be) may, by ordinance, annex such territory to such city, village or town, upon filing a copy of such ordinance, with an accurate map of the territory annexed (duly certified by the Mayor of the city or president of the board of trustees of the village or town), in the office of the recorder of deeds in the county where the annexed territory is situated, and having the same recorded therein: *Provided*, that no portion, less than the

whole of an incorporated city, town or village, shall be annexed to another incorporated city, town or village, except in the mode provided in this act for the annexation of the whole of an incorporated city, town or village, to another city, town or village.

§ 2. ANNEXING ONE CORPORATION TO ANOTHER.] Any incorporated city, village or town may be annexed to another incorporated city, village or town, by ordinance passed by a two-thirds vote of all the aldermen or trustees elect of each corporation desiring annexation: *Provided*, such annexation shall not affect or impair any rights or liabilities either in favor of or against such corporations; and suits founded upon such rights and liabilities may be commenced, and pending suits may be prosecuted and carried to final judgments and execution, the same as if such annexation had not taken place. In making such annexation, the corporations so uniting may, by ordinance, fix the terms of the annexation, which shall have the force and effect of a binding contract: *Provided, however*, that no such ordinance shall be of any binding force or effect until submitted to a vote of the legal voters of such city, town or village, at a general election thereof, and adopted by a majority of all the voters voting thereon at such election, notice of which shall be given at the same time and in the same manner as required for the election of the officers of such city, town or village: *And provided, also*, that the vote shall be by ballot, which shall be "for union ordinance," or "against union ordinance," and shall be received, canvassed and returned the same as ballots for municipal officers of such city, town or village.

§ 3. PROCEEDINGS BY CORPORATION TO ANNEX TERRITORY.] When any incorporated city, village or town shall desire to annex any contiguous territory thereto, and the same shall not have been petitioned for as provided in section one of this article, it shall be lawful for the City Council or board of trustees of such city, village or town, by a two-thirds vote of all the aldermen or trustees elect, by ordinance or resolution, to authorize the Mayor of such city or the president of the board of trustees of such village or town, to petition the Circuit Court of the county in which the territory desired to be annexed or a major part thereof is situated, praying such annexation to be made. The petition shall contain a copy of such ordinance or resolution, and an accurate map of the territory which it is desired to annex, showing all such subdivisions that shall have been made therein. Such petition shall be filed with the clerk of the court at least ten days be-

fore the first day of the term at which it is proposed to be heard: *Provided*, that nothing in this section contained shall authorize said petition to be filed unless the territory so sought to be annexed (except territory intervening between a city and town, or two or more cities or towns, desiring to become united under this act,) shall contain an actual resident population of at least one hundred and fifty inhabitants to each section or fractional part of a section so sought to be annexed—which said fact shall be alleged in said petition and proved on the hearing thereof, the same as any other allegation in said petition.

§ 4. NOTICE OF PROCEEDINGS.] When it shall be determined to present such petition, the Mayor or president of the board of trustees (as the case may be) shall cause notice of the time and place where and when the petition will be or has been filed, and at what term of court the hearing thereof will be had, and setting forth the boundaries or a general description of the territory proposed to be annexed—to be given by publication at least once in each week, for two successive weeks, in some newspaper published in the county where the petition is filed or to be filed (or, if no newspaper is published in such county, then in the nearest newspaper published in this state), and by posting up notices at least fourteen days before such time of hearing, in at least three of the most public places in the territory proposed to be annexed, and a like number in the city, village or town to which it is desired to annex such territory.

§ 5. OBJECTIONS TO ANNEXATION—TRIAL.] The legal voters resident upon the territory thus proposed to be annexed, or any of them, or any owner of land therein, or any voter of such city, village or town, may appear at such hearing and show cause why such annexation should not be made; and the court, or a jury impaneled for that purpose (no member of the jury so impaneled shall be a resident of the corporation or territory to be annexed, nor of the town or towns in which said corporation or territory may be situated,) shall hear all competent evidence that may be offered by either party; and the court may continue the hearing from time to time, for any cause, and make all proper orders in regard to the hearing, giving of notices and other disposition of the case.

§ 6. FINDING—COSTS, ETC.] If, upon the hearing, the court or the jury shall find that such territory ought to be annexed to such city, village or town, and can be so done without injustice to the inhabitants or persons interested, the court shall so order. If the court or jury shall find against the petition-

ers, the petition shall be dismissed at the cost of the petitioners; and no subsequent petition shall be presented for the annexation of any of the territory embraced in such petition, within one year from the time of entering such order: *Provided*, that new trials may be granted as in other jury cases.

§ 7. PROCEEDINGS BY OWNER TO BE ANNEXED.] When not less than a majority in number of the legal voters or the owner or owners of any tract or tracts of land, contiguous to any incorporated city, village or town, shall, by petition, in writing, signed by them, and filed in the Circuit Court of the county where such territory or a major part thereof is situated, pray to be annexed to such city, village or town, the like proceedings may be had thereon, and with the like effect, as in case of a petition by a city, village or town: *Provided*, a copy of the notice required to be given shall be left with the Mayor of such city, or president of such village or town, at least ten days before such petition is heard.

§ 8. PROCEEDINGS TO DISCONNECT.] Whenever a majority of the legal voters of any territory within any city, town or village, and being upon the border and within the boundary thereof, shall petition the Circuit Court of the county in which such city, town or village is situated, praying to be disconnected therefrom, such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard, and like proceedings shall be had as is required by sections four, five and six of the act for the annexation of territory to such city, town or village: *Provided*, that the provision of this section shall only apply to lands not laid out into city or town lots or blocks.

§ 9. MAP AND ORDINANCE RECORDED.] When any territory is annexed to any city, village or town, as provided in this act, it shall be the duty of the Mayor of the city, or the president of the board of trustees of the village or town, (as the case may be,) to cause an accurate map of such added territory, together with the ordinance for the annexation, certified by such Mayor, and if a decree or order of the court has been made therefor, a copy of the same, to be filed for record and recorded in the recorder's office for the county in which such added territory is situated. If territory is disconnected or excluded from any city, village or town, a copy of the ordinance or decree therefor shall be so filed for record and recorded.

§ 10. SCHOOL DISTRICTS.] All school districts, and other corporations incorporated for school purposes, under special acts of the legislature, desiring to annex or disannex territory,

may proceed under the provisions of this act. [See "Schools," ch. 122, § 33.]

§ 11. JUDICIAL NOTICE.] All courts in this state shall take judicial notice of cities, towns and villages, and of the changes of their territory, made under the provisions of this act.

APPOINTMENT AND REMOVAL OF CITY OFFICERS.

An act concerning the Appointment and Removal of City Officers in all cities in this State, conferring additional powers and duties upon Mayors, and concerning Appropriation Bills or Ordinances that may be passed in such cities.

[Approved and in force April 10, 1875.]

SECTION 1. Appointment and removal of city officers.
" 2. Approval and veto power of Mayor.
" 3. Passage over Mayor's veto.
" 4. Emergency.

SECTION 1. APPOINTMENT AND REMOVAL OF CITY OFFICERS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly: In all the cities of this State, the mayors thereof shall have power to appoint all city officers, (whose election by the voters of such city is not provided by law), by and with the consent of the city council, (or in case the legislative authority consists of two houses, then by and with the consent of the board of councilmen,) by a vote of the majority of all its members authorized by law to be elected, to be taken by yeas and nays, and entered upon its records. And the Mayor shall also have power to remove any officer so appointed whenever, in his opinion, the interests of the city requires such removal; he shall report such removal, with his reasons therefor, to the council, (or in case the legislative authority consists of two houses, then to the board of councilmen,) at its next regular meeting; and if the council by a two-thirds vote shall, (or if the board of councilmen shall by a majority vote) of all its members authorized by law to be elected, by yeas and nays, to be entered upon its record, disapprove of such removal, such officer shall thereby become restored to the office from which he was so removed; but he shall give new bonds and take a new oath of office. The Mayor may appoint any suitable person to discharge the duties of the office*

from which he shall have removed any officer, until his successor is appointed and qualified, or such officer restored to office in the manner aforesaid.

§ 2. APPROVAL AND VETO POWER OF MAYOR.] All ordinances passed by the City Council shall, before they take effect, be deposited in the office of the city clerk, and if the Mayor approves thereof, he shall sign the same, and such as he shall not approve he shall return to the Council, with his objections thereto, in writing, at the next regular meeting of the Council occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance, and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force; but in case the Mayor shall fail to return any ordinance with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly.

§ 3. PASSAGE OVER MAYOR'S VETO.] Upon the return of any ordinance by the Mayor, the vote by which the same was passed shall be reconsidered by the Council; and if, after such reconsideration, two-thirds of all the members elected to the City Council shall agree, by yeas and nays, to pass the same, it shall go into effect, notwithstanding the Mayor may refuse to approve thereof. The vote to pass the same over the Mayor's veto shall be taken by yeas and nays, and entered on the journal.

§ 4. EMERGENCY.] Whereas the legislative authorities in many cities pass their appropriation bills before the first day of July next, and Mayors have no power to veto a part of such appropriation or ordinance, wherefore an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

APPORTIONMENT OF SPECIAL ASSESSMENTS PAYABLE IN INSTALLMENTS.

An act concerning the Apportionment of Special Assessments payable in installments.

[Approved April 13, 1875. In force July 1, 1875.]

SECTION 1. Apportionment of special assessments payable in installments.

SECTION 1. APPORTIONMENT OF SPECIAL ASSESSMENTS PAYABLE IN INSTALLMENTS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cases where any special assessment, payable in installments, has been, or hereafter shall be made by any corporate authority, for supplying water or other corporate purpose, and the owner or owners of any lot, block or parcel of land so assessed, or some of them, shall desire to sub-divide the same, and to apportion such assessment and the several installments thereof in such manner that each parcel of such proposed sub-division shall bear its just and equitable proportion thereof, the same may be done in the manner following, to-wit: The owner or owners of such lot, block, or parcel of land shall present to such corporate authority a petition, setting forth:

1. The descriptive character of the assessment and the date of the confirmation of the same.
2. The names of the owners.
3. A description of the land proposed to be sub-divided, together with the amount of each installment thereon, and the year or years for which the same are due.
4. A plat showing the proposed sub-division.
5. The proposed apportionment of the amount of each installment on each lot or parcel according to such proposed sub-division. Such petition shall be acknowledged in the manner provided for the acknowledgment of deeds, and if such corporate authority shall be satisfied therewith, they shall cause to be indorsed upon or attached to such petition their approval by their clerk or secretary, under their corporate seal, and the same, so approved, shall be filed and recorded in the office of the county clerk in which such land shall be situate, and such apportioned assessment shall stand in place of the original assessment, and the same and the several installments thereof shall be deemed duly apportioned, and the several amounts so apportioned shall be liens upon the several

parcels charged, respectively ; and for the purpose of collecting the same all proceedings shall be had and taken as if said assessment and installments had been made and apportioned in the first instance according to such apportioned description and amounts, and the respective owners shall be held to have waived every and all objections to such assessment and the apportionment aforesaid: *Provided*, This act shall not apply to any lot, block or parcel of land on which there shall remain due and unpaid any installment. In case the owners are unable to agree as to such apportionment, or any of them are under legal disability, one or more of them may file a petition with the circuit court of the county in which such land so assessed is situate, substantially in form as hereinbefore provided ; and in such case such corporate authority, together with all owners or persons interested, not joined as petitioners and unknown owners, if any, shall be made parties defendant, and all proceedings in relation thereto shall be had as in cases in chancery. The court may hear and determine the case according to the right of the matter. A copy of the record of the proceedings of the court in the premises in case of an apportionment, duly certified, shall be filed and recorded in the office of such county clerk, and the same shall thereupon, as to the land therein embraced, the owners thereof, the apportionment aforesaid, and the collection of the several amounts apportioned, have the same force and effect as is hereinbefore provided in cases where such corporate authorities shall approve of a petition and shall file and record the same.

HOUSES OF ILL-FAME.

An act to prevent the licensing of houses of ill-fame, and the official inspection or medical examination of the inmates thereof, in the incorporated cities, towns and villages of this State.

[Approved and in force March 27, 1874.]

SECTION 1. Licensing and medical inspection forbidden.
" 2. Emergency.

§ 1. LICENSING AND MEDICAL INSPECTION FORBIDDEN. *Be it enacted by the People of the State of Illinois, represented in General Assembly : That it shall be unlawful for the corporate*

authorities of any city, town or village in this State to grant a license to any person, male or female, to keep what is known as a house of ill-fame or house of prostitution. And it shall be unlawful for any board of health (or any member or employe of the same) now existing, or which may hereafter exist under the laws of this State, to interfere in the management of any house of ill-fame or house of prostitution, or to provide in any manner for the medical inspection or examination of any inmate of the same. [See sec. 62, item 45.]

§ 2. **EMERGENCY.**] Whereas, the legislative authorities of certain cities in this State are about to license houses of ill-fame, therefore an emergency exists why this act should take effect immediately; therefore, this act shall take effect and be in force from and after its passage.

OIL INSPECTION.

An act to revise the law in relation to Oil Inspection.

[Approved March 12, 1874. In Force July 1, 1874.]

SECTION 1. Appointment of Inspectors—term of office—deputies.
 " 2. Oath—bond—suit on bond.
 " 3. Duty of inspector.
 " 4. Test—casks marked—inspector not to trade in oil.
 " 5. Record kept and open to examination.
 " 6. Penalty for misconduct in office.
 " 7. Penalty against manufacturers and dealers in oil.
 " 8. Fines—how recovered and disposed of.

SECTION 1. APPOINTMENT OF INSPECTORS—TERM OF OFFICE—DEPUTIES.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Mayor of any city, with the approval of the City Council, and the Board of Trustees of any village or town may, and on the petition of any five inhabitants thereof shall appoint one or more inspectors for the inspection of coal oil, naptha, gasoline, benzine and other mineral oils or fluids, the product of petroleum, and fix their compensation, to be paid by the party requiring their services. Every such inspector shall hold his office for one year and until his successor is appointed and qualified, unless sooner removed from office. He may appoint deputies, for whom he shall be responsible, and who shall take the same oath and be liable to the same penalties as the inspector.

§ 2. OATH—BOND—SUIT ON BOND.] Every such inspector, before entering on the duties of his office, shall take and subscribe the following oath :

“I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States, and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of oil inspector, according to the best of my ability.”

He shall also execute a bond payable to the People of the State, in such sum as shall be required by the City Council or Board of Trustees, with one or more sureties, to be approved by the Mayor or President of the Board of Trustees, conditioned for the faithful discharge of the duties of his office. Any person aggrieved by the misconduct or neglect of such inspector may maintain suit thereon for his own use.

§ 3. DUTY OF INSPECTOR.] Upon the application of any manufacturer, refiner or producer of, or any dealer in, any such oil or fluid, or of any officer or person to test any such oil or fluid, such inspector shall test the same with all reasonable dispatch by applying the fire test, as indicated and determined by J. Tagliabue's pyrometer, or some other instrument or means equally accurate, with which he shall have provided himself at his own expense.

§ 4. TEST—CASKS MARKED—INSPECTOR NOT TO TRADE IN OIL.] If the oils or fluids so tested will not ignite or explode at a temperature less than one hundred and fifty degrees Fahrenheit, the inspector shall mark, plainly and indelibly, on each cask, barrel or package, “Approved, fire test being ____;” but if said oils or fluids will ignite at a temperature less than one hundred and fifty degrees Fahrenheit, as aforesaid, then the inspector shall mark on each cask, barrel or package “Condemned for illuminating purposes; fire test being ____.” Said inspector, while in office, shall not buy, sell, bargain or trade, directly or indirectly, in any of the said oils or fluids.

§ 5. RECORD KEPT AND OPEN TO EXAMINATION.] He shall also, within twenty-four hours after making any inspection, make a full and fair entry thereof in a record book to be kept for that purpose, which shall be open to all persons wishing to examine the same.

§ 6. PENALTY FOR MISCONDUCT IN OFFICE.] Any such inspector or deputy who shall falsely brand any package, cask, or barrel, or be guilty of any fraud, deceit, misconduct or culpable negligence in the performance of any of his official

duties, shall be fined not exceeding \$200, and be liable to the party injured for all damages occasioned thereby.

§ 7. PENALTY AGAINST MANUFACTURERS AND DEALERS IN OIL.] Any manufacturer, refiner or producer of, or any dealer in, coal oil, naptha, gasoline, benzine, or other mineral oils or fluid, the product of petroleum, in any city, village or town in which such inspector is appointed, who shall neglect to give notice to such inspector, of any such oil or fluid in his possession not already inspected by some authorized inspector of this State, within two days after the same is made or refined by him or received into his possession, or shall offer any such oil or fluid for sale before the same has been so inspected, or shall sell or attempt to sell to any person, for illuminating purposes, any such oil which is below the approved standard, that is, having igniting point less than one hundred and fifty degrees Fahrenheit, as indicated and determined in the manner herein provided, or shall use any package, cask, barrel or other thing having the inspection brand thereon, the oil or fluid therein not having been inspected, or shall counterfeit any brand, shall be fined not exceeding \$200 and be liable to the party injured for all damages occasioned thereby, and all the casks, barrels or packages so falsely used, and their contents, shall be forfeited, and may be seized and sold.

§ 8. FINES—HOW RECOVERED AND DISPOSED OF.] The fines herein provided may be recovered in the name of the People of the State of Illinois, before any justice of the peace of the county where the offense is committed, and when collected, one-half shall be paid to the informer, and the other half and the proceeds of the sale of all casks, barrels and packages, and the contents thereof seized, as herein provided, shall be paid into the city, village, or town treasury.

PLATS.

An Act to revise the Law in Relation to Plats.

[Approved March 21, 1874. In force July 1, 1874.]

SECTION 1. Laying out towns, etc.
 " 2. Certificate of surveyor—acknowledgment—record.
 " 3. Dedication—effect on.
 " 4. Neglect to plant corner stone, etc.
 " 5. Penalty for selling without plat recorded, etc.

VACATION OF PLATS.

" 6. Of entire plat.
 " 7. Of part of plat.
 " 8. Cancelling plat of record.

PLATS TO BE RECORDED, ETC.

" 9. Plats of highways, etc., to be made and recorded.
 " 10. Prosecuting offenders.

SECTION 1. LAYING OUT TOWNS, ETC.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Whenever the owner of lands shall wish to subdivide the same into two or more parts for the purpose of laying out a town, or making any addition to any city, village or town, or of re-subdividing any lots or blocks therein, he shall cause the same to be surveyed and a plat thereof to be made by the county surveyor or some other competent surveyor, which plat shall particularly describe and set forth all the streets, alleys, common or public grounds, and all the in and out lots or fractional lots or blocks within, adjoining or adjacent to the land so divided, giving the names, widths, courses and extent of all such streets and alleys, and numbering all lots and blocks by progressive numbers, giving their precise length and width. Reference shall also be made upon the plat to some known and permanent monument from which future surveys may be made, or, if no such monument shall exist within convenient distance, the surveyor shall, at the time of making his survey, plant, and fix in such manner that the same shall not be moved by frost, at the corner of some public ground, or, if there be none, then at the corner of some lot or block most convenient for reference, a good and sufficient stone, to be furnished by the person for whom the survey is made, and designate upon the plat the point where the same may be found. [R. S. 1845, p. 115, § 17, 18, 19.

§ 2. CERTIFICATE OF SURVEYOR—ACKNOWLEDGMENT—RECORD.] The plat having been completed, shall be certified by the surveyor and acknowledged by the owner of the land, or his

attorney duly authorized, in the same manner as deeds of land are required to be acknowledged. The certificate of the surveyor and of acknowledgment, together with the plat, shall be recorded in the recorder's office of the county in which the land is situated, and such acknowledgment and record shall have like effect and certified copies thereof and of such plat or of any plat heretofore acknowledged and certified according to law, may be used in evidence to the same extent and with like effect, as in case of deeds. [R. S. 1845, p. 115, § 20.]

§ 3. DEDICATION—EFFECT OF.] The acknowledgment and recording of such plat shall be held in law and in equity to be a conveyance in fee simple of such portions of the premises platted as are marked or noted on such plat as donated or granted to the public, or any person, religious society, corporation or body politic, and as a general warranty against the donor, his heirs and representatives to such donee or grantee for their use or for the use and purposes therein named or intended, and for no other use or purpose. And the premises intended for any street, alley, way, common or other public use in any city, village or town, or addition thereto, shall be held in the corporate name thereof in trust to and for the uses and purposes set forth or intended. [R. S. 1845, p. 115, § 21.]

§ 4. NEGLECT TO PLANT CORNER STONE, ETC.] Whoever shall lay out any town or make any addition to any city, village or town, or re-subdivide any lots or blocks therein, and neglect to plant any corner stone when required by this act, or shall survey the same or cause it to be surveyed in any other manner than that which is prescribed in this act, shall be fined in any sum not less than \$25 nor exceeding \$100. [R. S. 1845, p. 116, § 24.]

§ 5. PENALTY FOR SELLING WITHOUT PLAT RECORDED, ETC.] Whoever shall sell or offer for sale, or lease for any time exceeding five years, any lot or block in any town, city or village, or any addition thereto, or any re-subdivision of any lot or block therein, before all the requisitions of this act have been complied with, shall be fined \$25 for each lot or block or part thereof so disposed of, offered for sale or leased. [R. S. 1845, p. 116, § 25.]

VACATION OF PLATS.

§ 6. OF THE WHOLE PLAT.] Any such plat may be vacated by the owner of the premises at any time before the sale of any lot therein, by a written instrument declaring the same to be vacated, executed, acknowledged or proved, and recorded

in like manner as deeds of land; which declaration being duly recorded shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described in such plat. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing. [L. 1847, p. 166, § 1.]

§ 7. **OF PART OF PLAT.]** Any part of a plat may be vacated in the manner provided in the preceding section, and subject to the conditions therein prescribed: *Provided*, such vacation shall not abridge or destroy any of the rights or privileges of other proprietors in such plat: *And, provided, further*, that nothing contained in this section shall authorize the closing or obstructing of any public highway laid out according to law. [L. 1847, p. 167, § 3.]

§ 8. **CANCELING PLAT OF RECORD.]** When any plat or part thereof is vacated, the recorder in whose office the plat is recorded shall, upon the recording of such vacation, write in plain letters across the plat or part so vacated the word "vacated," and shall also make a reference on the same to the volume and page in which the instrument of vacation is recorded.

PLATS TO BE RECORDED, ETC.

§ 9. **PLATS OF HIGHWAYS, ETC., TO BE MADE AND RECORDED.]** Whenever any highway, road, street, alley, public ground, toll-road, railroad or canal is laid out, located, opened, widened or extended, or the location thereof altered, it shall be the duty of the commissioners, authorities, officers, persons or corporations, public or private, laying out, locating, opening, widening, extending or altering the same, to cause a plat thereof showing the width, courses and extent thereof, and making such reference to known and established corners or monuments that the location thereof may be ascertained, to be made, and recorded in the office of the recorder of the county in which the premises taken or used for the same, or any part thereof, are situated, within six months after such highway, road, street, alley, public ground, toll-road, railroad or canal is laid out, located, opened, widened or extended, or the location thereof altered; and when any highway, road, street, alley, public ground, toll-road, railroad or canal is vacated, the order, ordinance or other declaration vacating the same shall be in like manner recorded. This act shall not be construed to alter or affect any law specifically providing for the record-

ing of any such plat, or to require the same to be recorded sooner than is so specifically provided; except that any requirements to record such plat in any other place than is provided herein shall not excuse the parties from complying with this act. Whoever shall refuse or neglect to comply with this section shall forfeit \$25, and the like sum for every month he shall continue in such refusal or neglect after conviction therefor, to be recovered before any justice of the peace of the county, in the name of the county, one-half to the use of the county and the other half to the use of the person complaining. [R. S. 1845, p. 487, § 33.]

§ 10. PROSECUTING OFFENDERS.] Whenever it shall come to the knowledge of the recorder of deeds of any county that any of the provisions of this act have been violated, it shall be his duty to notify the state's attorney of the fact, and the state's attorney shall immediately institute suit, and prosecute the same to final judgment against the person offending.

An Act to authorize courts of record, in certain cases, to order lands to be subdivided and platted.

[Approved March 18, 1874. In force July 1, 1874.]

SECTION 1. Plats in proceedings in courts.
" 2. Effects of such maps.
" 3. Costs.

SECTION 1. PLATS IN PROCEEDINGS IN COURT.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in any proceeding in any court of record in this state, by executors or administrators, for the sale of lands of deceased persons, or by guardians, for the sale of lands of their wards, or for partition of lands, when such lands are to be sold in parcels, or actual partition thereof shall be made, it shall be competent for the court to order such executor or administrator, guardian, master in chancery, special commissioner, or other officer or person authorized to sell the lands in question in any such proceeding, or commissioners authorized to make partition of such lands, to cause such lands to be surveyed and subdivided, and a map or plat of the same to be made, showing the lots or parcels of such subdivision or partition designated by numbers or letters; which map or plat shall be acknowledged by the person or persons so causing the same to be made, in like manner as is now required by law in cases of plats or maps made by owners of lands, and shall, in like manner, be certified by the surveyor or engineer

making the same; which certificate shall contain, among other things, an accurate and definite description of the lands so subdivided or partitioned; and such map or plat shall be submitted to the court for his approval, and if approved by the court, shall be recorded in the recorder's office of the county or counties in which the lands in question in any such proceeding, are situate.

§ 2. **EFFECT OF SUCH MAPS.]** Maps or plats of lands made in conformity to the preceding section, when approved by the court, shall have the like authenticity as maps or plats of lands made by owners of the same, and shall be sufficient in law for all purposes whatever.

§ 3. **COSTS.]** The costs and expenses necessarily incurred in making such subdivisions of lands and maps, or plats of the same, together with the cost of the record thereof, shall be taxed as costs in any suit or proceeding in which the court shall order the same to be made.

POLICE AND FIREFMEN'S RELIEF FUND.

An Act to Provide a Fund for the Relief of Members of Police and Fire Departments, in Incorporated Cities, Wounded or Disabled in the Discharge of their Duties, and for the Relief of the Surviving Family of any Member of said Departments, Killed while on Duty.

[Approved March 24, 1874. In force July 1, 1874.]

SECTION 1. How fund created.

- " 2. To be appropriated for disabled men, etc.
- " 3. Use in case of death.
- " 4. Vote necessary to appropriate.
- " 5. Bequests, gifts, etc.—treasurer.
- " 6. No new liability on city for injuries.

SECTION 1. How FUND CREATED.] Be it enacted by the People of the State of Illinois represented in the General Assembly: That the corporate authorities of all cities in this state may provide by ordinance that all moneys received from fines inflicted upon members of the police and fire departments for a violation of the rules or regulations of the service, and all fines recovered because of conviction for a violation of the fire ordinances, and all moneys accruing from the sale of unclaimed stolen property, shall be paid into the treasury of the city

where collected, and kept apart as a fund to be called the "Police and Firemen's Relief Fund," for the benefit of the disabled members of the above mentioned departments of such cities. [As amended by act of April 13, 1875.

§ 2. TO BE APPROPRIATED FOR DISABLED MEN, ETC.] Whenever any member of either of said departments shall, while in the discharge of his duties as a member or officer of such service, suffer wounds, or in any other manner become disabled so as to be unfit for further service, the corporate authorities of such city shall appropriate, out of such fund for his benefit, such an amount or amounts of money as to them may seem just and reasonable: *Provided, however*, in all cities where there does now or may hereafter exist, a chartered benevolent society, composed of police or firemen of such city, the corporate authorities may annually appropriate to the treasurer of such society its equitable portion of all moneys that may be in the treasury of such city to the credit of said fund, to be used for the benefit of its members. [As amended by act of April 15, 1875.

§ 3. USE IN CASE OF DEATH.] Whenever any member of either of such departments shall, while in the active discharge of his duty, suffer death, or die from or on account of injuries received while in such active discharge of his duty, the corporate authorities of any such city shall appropriate out of said fund such an amount as to them shall seem just and equitable for the relief of the surviving members of the family of such deceased.

§ 4. VOTE NECESSARY TO APPROPRIATE.] All such appropriations shall be made by a vote of a majority of all the members elected of such corporate body; and such authorities alone shall have the right to determine the amount of relief to be granted under this act.

§ 5. BEQUESTS, GIFTS, ETC.—TREASURER.] In case of any bequest, gift, devise or donation to the fund aforesaid, the city treasurer of such city, by virtue of his office, and his successors in office, shall be the trustee of the same, and in that capacity, under the direction of the corporate authorities of such city, he shall administer the same.

§ 6. NO NEW LIABILITY ON CITY FOR INJURIES.] Nothing in this act shall be so construed as to create any new liability on the part of any city for injuries received by persons in its service.

POLICE MAGISTRATES.

An act to authorize the election of Police Magistrates in Towns, Cities and Villages where the same are not now provided for by Law.

[In force April 13, 1875.]

SECTION 1. Election, jurisdiction and fees of police magistrates.

" 2 Emergency.

SECTION 1. ELECTION, JURISDICTION AND FEES OF POLICE MAGISTRATES.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all towns, cities and villages in the State which have been incorporated under charters granted by special acts, or under a general act, when the law under which they are incorporated does not authorize the election of a police magistrate, be and they are hereby authorized to elect one police magistrate at the first annual election of town, city or village officers that shall occur after the passage of this act, and quadrennially thereafter. Such police magistrates shall hold their offices for the same term, be commissioned and qualified, and have the same jurisdiction and fees, as police magistrates of villages have under the general law for the incorporation of cities and villages.

§ 2 EMERGENCY.] As the first annual election of town, city and village officers in many of the towns, cities and villages in this State, by this act authorized to elect a police magistrate, will occur before the first day of July next, after the adjournment of this general assembly, therefore an emergency exists requiring this act to take effect immediately; therefore this act shall take effect and be in force from and after its passage: *Provided*, that the election for police magistrates in cities that have one or more police magistrates, elected under a former organization as a town or city, shall not be held until the term for which said police magistrate or magistrates were elected has expired.

REBATE AND REDUCTION OF TAXES, ETC.

An Act to prevent the unjust collection, by incorporated cities and towns, of taxes levied upon property destroyed by fire, and to authorize the common council of such cities, or board of trustees of such towns, to change or amend appropriation bills, to pass new appropriation bills, to reduce taxes and special assessments in certain cases, and to discontinue special improvements.

[Approved and in force January 18, 1872.]

SECTION 1. Rebate when property destroyed.
" 2. Reduce or release tax or assessment.
" 3. Emergency.

SECTION 1. REBATE WHEN PROPERTY DESTROYED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That, whenever, in any incorporated city or town in this state, any property listed or assessed for municipal taxation, shall have been or shall hereafter be destroyed by fire, in whole or in part, before the levy of the municipal taxes of such city thereon, or before the municipal taxes levied thereon shall have been collected, it shall and may be lawful for the Mayor of such city or town—if there be no Mayor, then the president of the board of trustees, the city comptroller, if there should be one; and if not, then the city clerk or town clerk, and the tax commissioner if there should be one; if not, then the chairman of the finance committee of the city council, or board of trustees—to rebate or remit so much of such tax or taxes, so levied upon such property, as in their opinion should be rebated or remitted by reason of such property having been, in whole or in part, destroyed by fire.

§ 2. REDUCE OR RELEASE TAX OR ASSESSMENT.] That whenever, in any incorporated city or town in this state, any large portion of the taxable property of such city shall have been or shall hereafter be destroyed by fire, so as to seriously impair or affect the ability of the property owners of such city or town to pay taxes or special assessments thereon, and an appropriation bill has been made or passed, or special improvements ordered before such fire, and the tax or assessment for the payment or raising of the same has not been levied or collected, it may be lawful for the city council or board of trustees of any such town to alter, revise, change,

reduce or vacate, or repeal such appropriation bill, or any part of the same, and to order the discontinuance of said special improvements, or any of the same, or to reduce the amount of taxes or special assessments ordered to be levied, or assessed, or collected for any general or special purpose, and to pass a new appropriation bill; which new appropriation bill shall have the same force and effect as if the same had been passed within the time prescribed by the charter of any such city or such corporate town.

§ 3. **EMERGENCY.]** Whereas a large amount of property listed for taxation in the city of Chicago, and in other cities and towns of this state, has been destroyed by fire before the taxes thereon have been paid, which taxes it would be unjust to collect, it is declared that an emergency exists that this law go into force immediately, and therefore it is enacted that this law shall be in force from and after its passage.

SALARIES OF CITY OFFICERS.

An Act to enable the corporate authorities of cities to establish and fix the salaries of city officers.

[Approved and in force April 23, 1873.]

SECTION 1. When to be fixed—not changed during term.
" 2. Emergency.

SECTION 1. WHEN TO BE FIXED—NOT CHANGED DURING TERM.]
Be it enacted by the People of the State of Illinois, represented in the General Assembly: It shall and may be lawful for the common council or legislative authority of any city in this State to establish and fix the amount of salary to be paid any and all city officers, as the case may be, except members of such legislative body, in the annual appropriation bill or ordinance made for the purpose of providing for the annual expenses of any such city, or by some ordinance prior to the passage of such annual appropriation bill or ordinance; and the salaries or compensation thus fixed or established, shall neither be increased nor diminished by the said common council or legislative authority of any such city, after the passage of said annual appropriation bill or ordinance, during the year for which such appropriation is made, and no extra compensation

shall ever be allowed to any such officer or employe over and above that provided in manner aforesaid.

§ 2. EMERGENCY.] Whereas the corporate authorities of certain cities in this State have no power to establish or fix the salaries of their city officers in certain cases, whereby an emergency exists requiring this act to take immediate effect; therefore, this act shall take effect and be in force from and after its passage.

SCHOOLS.

An Act to Establish and Regulate a System of Public Schools in the City of Bloomington.

[In force Feb. 16th, 1857.]

SECTION 1. Election of Board—term of office.
 " 2. Board to elect officers—Treasurer, etc.
 " 3. City exempt from jurisdiction of Trustees—distribution of funds, etc.
 " 4. Meetings—quorum, etc.
 " 5. Power of Board—city to constitute one district.
 " 6. Board to establish schools—admission, etc.
 " 7. Power to make rules, etc.
 " 8. Reports of Board—tax, etc.
 " 9. Titles of school property to be in Board.
 " 10. Examiners—dates of, etc.
 " 11. School examinations.
 " 12. Repeal.
 " 13. When to take effect.

SECTION 1. ELECTION OF BOARD—TERM OF OFFICE.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there shall be elected biennially in the city of Bloomington, by the qualified electors of said city, a Board of Education, to consist of seven members, which shall be denominated the Board of Education, and the persons so elected shall be residents of said city, and shall hold their office for the term of two years, and until their successors shall be elected and qualified. The first election for said members of the Board of Education shall be holden on the first Monday in April, A. D. 1857, and on the first Monday of April biennially thereafter. The meetings for said election shall be notified and called, and the poll book opened and kept, the votes canvassed and the returns made in the same manner as the election of Mayor and aldermen; the seven persons having the highest number of votes shall be declared elected, and the City Clerk immediately upon the result of

the election being made known by the proper returns, shall notify the several persons so elected of their election.

§ 2. BOARD TO ELECT OFFICERS—TREASURER, ETC.] The Board of Education shall, within two days after their election, or as soon thereafter as convenient, meet within said city, the time and place of meeting shall be made known to all the members of said Board in writing, by any two of the persons so elected; when convened, the Board shall organize by electing one of their number President, and appointing by ballot some competent person to be Secretary of said Board, who may or may not be a member of the Board, and also appoint a Treasurer. The President shall preside at all meetings of the Board and perform all the duties of a presiding officer. The Secretary shall keep a record of the proceedings of the Board in a book to be provided for that purpose by the Board, and shall perform such other duties in relation to the schools in said city as shall be required of him by the rules and regulations to be made and established by the Board. The President, Secretary and Treasurer shall hold their offices for the term of two years, and until their successors shall be elected and qualified. The Secretary and Treasurer shall be subject to removal for good cause, by a vote of a majority of said Board, and in case of such removal, the Board shall appoint a competent person to fill the vacancy. The Treasurer shall give bond with good and sufficient securities to the city of Bloomington, such bond to be approved by said Board in such sum as the Board shall determine, but to be in all cases as nearly as can be ascertained, in double the amount of all moneys that will at any one time come into his hands, and conditioned for the performance of his duties as such Treasurer, and especially faithfully to keep, and from time to time to pay over upon the order of the Board all moneys that he shall receive as such Treasurer, and for any breach of the conditions of said bond, as such shall be prosecuted in the name of said city against the said Treasurer, under the direction and supervision of the said Board, and all moneys realized from a judgment recovered against any Treasurer for a breach of the conditions of his bond, shall go into the treasury of the Board, to be used as other school moneys are used. The Treasurer shall keep a true and accurate account of all moneys received and paid out by him, for what purposes, upon what and whose account. But he shall pay out no money except upon order of the Board; for all money paid out he shall take and file with the papers of his office proper vouchers. He shall settle

his account with the Board at least once in each year, and oftener if the Board shall so require.

§ 3. CITY EXEMPT FROM JURISDICTION OF TRUSTEES—DISTRIBUTION OF FUNDS, ETC.] The said city of Bloomington shall be exempt from the jurisdiction of Trustees of Schools in the township in which said city of Bloomington is located, so far as common schools are concerned, and the School Commissioner of McLean county shall, in the distribution of the school fund that may come into his hands, apportion so much of the school fund as the city of Bloomington may be entitled to, upon a *pro rata* distribution of said funds among the several townships of said county to the said city of Bloomington, and upon the filing of the bond of the Treasurer of the said Board of Education, the said School Commissioner shall pay over to the said Treasurer the amount due said city. All taxes levied in accordance with the provisions of this act, shall be paid over by the officer collecting the same, to the Treasurer of the Board of Education, and upon all moneys passing through his hands, the said Treasurer shall be allowed to retain two per centum. If any vacancy shall occur in the Board of Education between the times of the biennial election, by death, resignation or removal from the limits of the city, the remaining members of the Board shall fill said vacancy by appointment, and the person so appointed shall hold his office until the next biennial election for members of the Board. The said Board of Education shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any court of law or equity in this State, and shall also be capable of receiving any gift, grant, donation or devise made for the use of the common schools in said city.

§ 4. MEETINGS—QUORUM, ETC.] The said Board shall hold their meetings at such times and place as they may think proper; that any four of said Board shall constitute a quorum; that special meetings may be called by the President or any two members of the Board, on giving two days' notice of the time and place of holding such meetings, but at no special meeting except all the members of the Board are present, shall any resolution in relation to sites for school houses, or financial resolution or order be passed, unless the two days' notice as aforesaid be given, and the subject or subjects to be acted on be specified in the notice.

§ 5. POWER OF BOARD—CITY TO CONSTITUTE ONE DISTRICT.] The said Board of Education shall have the entire management and control of all the common schools in said city of

Bloomington, and of all the houses, lands and appurtenances already provided and set apart for common school purposes, as well as those hereafter to be provided for the same purposes, and the said city of Bloomington shall, from and after the first Monday of April next, constitute but one school district, and all moneys accruing to said district for school purposes under any law of this State, shall be paid over to the Treasurer of said Board of Education.

§ 6. BOARD TO ESTABLISH SCHOOLS—ADMISSION, ETC.] It shall be the duty of said Board of Education, so soon as they may realize sufficient funds for the purpose, to establish within the bounds of the city of Bloomington, a sufficient number of primary, secondary and grammar schools to accommodate all the children of said city, and they shall also establish a city high school, in said city, of a grade above the grammar school. To each school in this system there shall be gratuitous admission for the children, wards and apprentices of all the residents of the city of Bloomington, and of such other persons living in the immediate vicinity as may own property, charged with a school tax in said city of Bloomington, with the following restrictions, viz: No pupil shall be admitted to the secondary, grammar or high schools who fails to sustain a thorough examination in the studies of the school of the next lower grade, and the teachers in either school shall have power in accordance with the rules and regulations of the Board of Education, to exclude pupils for misconduct or non-attendance.

§ 7. POWER TO MAKE RULES, ETC.] The said Board of Education shall have power to make and enforce all necessary rules and regulations for the government of teachers and pupils in said schools, to employ teachers, male and female, from among those who have received a certificate from the city examiners, and pay them a suitable compensation; to purchase all necessary books and apparatus; to select sites for school houses, and superintend the building of the same upon their own plan, and to pay for the lands and houses and furniture, as well as the other expenses of said school system, from the public moneys in the hands of the Treasurer of said Board.

§ 8. REPORTS OF BOARD—TAX, ETC.] The said Board of Education, within thirty days after their organization, shall report to the City Council of the city of Bloomington, the number and description of buildings necessary for the purposes of common schools in said city, which report shall be in writing, and shall specify the amount of money necessary to be raised to meet the expenses of erecting such buildings,

and said Board shall also specify in said report the amount of money necessary to be raised in addition to the money accruing to said city under the General School Law of this State, to defray all the other expenses of said school system during the current year, and thereupon the said City Council shall proceed to levy a tax sufficient to meet such expenses of building and repairing school houses, and the expenses attendant upon the maintenance of said free schools in said city during the whole year, customary vacations only excepted, said taxes to be levied and collected as the other taxes of said city are or may be collected: *Provided*, Said tax shall not exceed five mills on the dollar of the taxable property of said city, and it shall be the duty of said Board, on or before the first Monday in April in every year thereafter, to make a report in writing to the City Council of all moneys received, how and for what purpose expended, with the proper vouchers, and give such other information in relation to said schools as they may deem important, specifying in said annual report the amount of money necessary to be raised by taxation to defray the expenses of said school system, and the City Council shall, annually, upon the coming in of such report, and within thirty days thereafter, proceed to levy a tax sufficient to meet such expenses, to be levied and collected as the other taxes of said city: *Provided*, Said taxes shall not exceed five mills on the dollar of the taxable property of said city, and the said City Council shall cause all such reports of the Board of Education to be published, or so much thereof as they may deem necessary, the reports being left with the Mayor of the city, open to public inspection.

§ 9. TITLES OF SCHOOL PROPERTY TO BE IN BOARD.] All legal titles to land and houses and other property used for common school purposes in said city of Bloomington, shall vest in said Board of Education at the taking effect of this act; and all titles acquired thereafter shall be in the name of said Board of Education; and said Board of Education shall have power to sell, lease and convey any and all of the lands and tenements held under and by virtue of this act, and to purchase other lands and tenements in more eligible positions.

§ 10. EXAMINERS—DUTIES OF, ETC.] The said Board of Education shall, immediately upon their election as hereinbefore provided, appoint three competent persons to serve as school examiners of said city, all of whom shall be citizens of Bloomington, to serve for two years, one of whom they shall designate as City School Superintendent, and it shall be his duty to visit, inspect and exercise a general control over said

system of schools, subject to the direction of said Board, and be compensated for his service as said Board may from time to time determine, and biennially thereafter said Board shall appoint three competent persons to act as school examiners for said city; the said examiners, or any two of them, shall examine such persons as shall apply for that purpose, and if they find the applicant qualified to teach, they shall give him or her a certificate naming the branches he or she is found qualified to teach, showing that they have inquired into his or her character, and believe it to be moral and good, and that he or she is qualified to govern and teach; the said examiners shall also recommend suitable text-books to be adopted by the said Board of Education for the use of schools, and semi-annually report the condition of said schools to the City Council, the publication of which shall be at the discretion of the said Council.

§ 11. SCHOOL EXAMINATIONS.] Annually at such time as the Board shall appoint public examinations of all the schools shall be had, under the direction of the Board of Education and the examiners.

§ 12. REPEAL.] So much of the General School Law, and so much of all other laws of this State, general or local, as may be inconsistent with this act, are repealed as to said city of Bloomington.

§ 13. WHEN TO TAKE EFFECT.] This act shall take effect from and after its passage.

An Act to provide Amendments to the Bloomington School Law.

[Approved Feb. 16, 1865.]

SECTION 1. Amendment of school law.

- " 2. Section ten amended.
- " 3. Place of holding elections.
- " 4. Power of Board to borrow money.
- " 5. Approval of these amendments.

SECTION 1. AMENDMENT OF SCHOOL LAW.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the act entitled "An act to establish and regulate a system of Public Schools in the City of Bloomington;" approved February 16, 1857, be and the same is hereby amended as follows, to-wit: The words, "and of such other persons living in the immediate vicinity as may own property charged with a school tax in said city of Bloomington," in the sixth section of said act, are stricken out. Also, in the eighth section of said act, the word "five," in both places where it oc-

curs before the word "mills," shall be and is hereby changed to "ten," so that it shall read in both places ten mills on the dollar of the taxable property of said city, instead of "five" mills.

§ 2. SECTION TEN AMENDED.] That the tenth section of said act be and is hereby so amended that the said Board of Education are hereby authorized to choose the "examiners" provided for in said section, one or all of them, from the members of said Board.

§ 3. PLACE OF HOLDING ELECTIONS.] That hereafter all elections under said school law shall be held at one place, to-wit: At the court house in said city of Bloomington, instead of in the several wards as heretofore.

§ 4. POWER OF BOARD TO BORROW MONEY.] That the said Board of Education are hereby authorized to borrow money upon the signature of its President and Secretary, (having been previously authorized to do so by the Board at one of its legal meetings,) at a rate of interest not to exceed ten per cent. per annum, for the purpose of purchasing sites, building and repairing school houses, or furnishing the same, to an amount not to exceed for any one loan one-half of the probable sum to be realized from the taxes of the succeeding year, to be paid out of said taxes when collected in all cases.

§ 5. APPROVAL OF THESE AMENDMENTS.] These amendments shall take effect and be in force from and after their approval by the legal voters of said city at the regular election for the members of the Board of Education, in April next, (1865,) at which election the question shall be submitted in the following manner: Ballots shall be prepared "for the amendments to the school law," and "against the amendments to the school law;" and if more votes shall be cast for than against said amendments, then said amendments shall, from that date, be and become a part of the school law for said city of Bloomington. But if more votes shall be cast against than for said amendments, then said amendments shall not become a portion of said school law.

An Act to amend an act entitled "An Act to Establish and Regulate a System of Public Schools in the City of Bloomington."

[Approved Feb. 22, 1867.]

SECTION 1. Amendment.

- " 2. Purpose of amendment.
- " 3. Power to issue bonds.
- " 4. To whom payable—how executed.
- " 5. Bonds due—how met.
- " 6. Bonds to be a lien, etc.
- " 7. When in force.

SECTION 1. AMENDMENT.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Act entitled "An act to establish and regulate a system of Public Schools in the city of Bloomington," be, and the same is hereby amended as follows:

§ 2. PURPOSE OF AMENDMENT.] That in addition to the power and authority vested in the Board of Education of the city of Bloomington by the act to which this is an amendment, and the former amendment thereto, and for the purpose of enabling said Board to purchase proper sites for school houses, to erect suitable buildings thereon, and to finish and furnish all of their school houses in a proper manner, the said Board of Education shall have the power, and they are hereby vested with the authority following:

§ 3. POWER TO ISSUE BONDS.] To issue bonds of such denominations and in such sums as they may deem proper, not to exceed in the aggregate the sum of one hundred thousand dollars, bearing interest payable annually or semi-annually, at a rate not to exceed ten per cent. per annum. Said bonds to be made payable not less than five years nor more than twenty years from their dates, respectively, and not to exceed ten thousand dollars of said bonds, shall be made payable or fall due in any one year.

§ 4. TO WHOM PAYABLE—HOW EXECUTED.] That each and all of said bonds, so to be issued as aforesaid, shall be made payable to the order of some particular person therein set forth and named, and shall be executed by the Board of Education, under their seal, by and through their President and Secretary, and shall also be countersigned by the Treasurer of said Board. And it shall also be the duty of the said Secretary and Treasurer, each to keep in a book provided for that purpose, an accurate list of all bonds so issued, with a full description thereof.

§ 5. BONDS DUE—HOW MET.] On any year hereafter when the principal of any series of said bonds shall fall due; or on

any year when the interest upon said bonds shall accrue to a larger amount than there shall be funds in the hands of the Treasurer of said Board to pay from the present tax now authorized to be levied by law, the said Board of Education shall, in their annual report preceding the falling due of said bonds, or the accruing of said interest, (as provided for in section eight of the act to which this is an amendment,) certify to the City Council of said city, the amount so to fall due and become payable, by the maturity of said bonds or the accruing of said interest in addition to the other expenses and moneys to be raised by tax, and reported to said Council as provided in said section eight of said original act, and the said City Council shall thereupon proceed to levy a tax sufficient to meet the amount so to fall due by the maturity of said bonds or the accruing of said interest, in addition to the amount now authorized by said original act and an amendment thereto, to be levied and collected: *Provided*, That the additional tax authorized to be levied and collected by this act shall not exceed in any one year one cent on the dollar of all the taxable property of said city, and the said additional tax shall be collected, paid over and treated in all respects in the same manner as other taxes levied for school purposes by said city, as provided for in said original act, and the said amendment thereto.

§ 6. BONDS TO BE A LIEN, ETC.] All the real estate, buildings and property of said Board of Education in said city, shall be liable for the payment of said bonds and the interest thereon, and the said bonds shall be and become a lien upon said real estate from their date, and in the order in which the same are issued, and shall so remain until the full payment thereof.

§ 7. WHEN IN FORCE.] This act shall take effect and be in force from and after its passage.

An Act to amend an act entitled "An Act to establish and regulate a system of public schools in the City of Bloomington," approved February 22, 1857, and amendments thereto.

[In force, March 31, 1869.]

SECTION 1. School law amended.

- " 2. Amendment of sec. 2.
- " 3. Raising money—vote—tax, etc.
- " 4. Repeal.
- " 5. When in force.

SECTION 1. SCHOOL LAW AMENDED.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "An act to establish and regulate a system of public schools in the City of Bloomington," approved February 22, 1857, and amendments thereto, be and the same is hereby amended, as follows, to-wit: That the board of education of [the] city of Bloomington shall, at their first meeting after the election to be holden on the first Monday of April, A. D. 1869, draw lots for their respective terms of office —two to serve one year, two to serve two years, and three to serve three years, and until their successors in office are elected and qualified. And hereafter elections shall be held annually, on the first Monday of April, to fill all vacancies: *Provided*, if any vacancies shall occur in the said Board of Education between the times of the said annual elections, the remaining members of said Board of Education shall fill said vacancies by appointment; and the person or persons so appointed shall hold said office until the next annual election for members of said board: *And, provided, also*, that all school elections in the City of Bloomington shall be exempt from all the registry laws of the State.

§ 2. AMENDMENT OF SEC. 2.] That the second section of this act be and is hereby so amended that the clause, "by any two persons so elected," shall read, "by the secretary of the board;" and also the clause, "for the term of two years," be so amended as to read, "for the term of one year;" also section ten (10) of the same act be so amended that the clause, "to serve two years, one of whom they shall designate city school superintendent," as to read, "to serve for the term of one year, and shall have power to elect a city school superintendent" (who shall be a member of the committee of school examiners,) at such time and in such manner as shall be fixed by the rules and regulations of the Board, and it shall be his duty to visit," etc., as provided in said act.

§ 3. RAISING MONEY—VOTE—TAX, ETC.] That the said Board of Education shall have power, when, in their judg-

ment, more money is required than is now provided for in said act, and amendments thereto, by taxation or otherwise, to build additional school buildings, to purchase grounds, or to make additional improvements on buildings, grounds or furniture, to call a school election of the qualified voters of said City of Bloomington, by giving twenty days' notice, to vote whether the Board of Education shall be authorized to issue and sell additional bonds, or be empowered to levy additional taxes for said purposes; and said notice shall specify the amount of bonds to be issued or tax to be assessed, and the purposes for which they are to be used; and if a majority of the votes cast at such election shall be in favor of issuing such additional bonds or levying such additional taxes, then it shall be lawful for said Board of Education to execute said bonds in the same manner as provided in said act, or levy said tax, and use the amount of money so voted on [the] same conditions and in the same manner as authorized by amendment to school law, approved February 22, 1867: *Provided*, that the amount of additional indebtedness, by bonds so voted, shall at no time exceed the sum of one hundred thousand dollars, nor shall the taxes so voted exceed in any one year one per cent. of all the taxable property of said city, in addition to that which is now authorized by said act, and amendments thereto.

§ 4. REPEAL.] All acts or parts of acts in conflict with the provisions of this amendment are hereby repealed.

§ 5. WHEN IN FORCE.] This act shall take effect and be in force from and after its passage.

SEWERAGE AND WATER TAXES.

An Act in relation to the levy and collection of Taxes for Sewerage and Water Works in the cities of this State that may have established a system of Sewerage and Water Works for such city.

[Approved and in force April 22, 1871.]

SECTION 1. Sewerage fund tax.
" 2. Water fund tax.
" 3. Emergency.

SECTION 1. SEWERAGE FUND TAX.] *Be it enacted by the People of the United States represented in the General Assembly:* That the legislative authority of any such city which now has

or may hereafter have established a system of sewerage for such city, shall have power, annually, to levy and collect a tax upon the taxable real and personal estate of any such city, not to exceed one mill on a dollar, for the extension and laying of sewers therein and the maintenance of such sewers, which tax shall be known as "The Sewerage Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided, however,* that the board of public works of such city, if any, or the head of the sewer department of such city, shall first certify to such legislative authority the amount that will be necessary for such purpose.

§ 2. WATER FUND TAX.] The legislative authority of any such city which now has or which may hereafter have established water works, for the supply of water to the inhabitants thereof shall have power to annually levy and collect a tax upon the taxable real and personal estate of any such city, not to exceed one mill on the dollar, for the extension of water mains or pipes therein, and the maintenance of such water works, which tax shall be known as "The Water Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided, however,* that the board of public works of such city, if any, or the head of the water department of such city, shall first certify to such legislative authority the amount that will be necessary for such purposes, and shall further certify that the revenue or income from such water works will be insufficient therefor.

§ 3. EMERGENCY.] Whereas the health and good government of such cities require that they severally possess the power and authority conferred by this act upon such cities, and the officers thereof, without any delay, it is hereby declared that an emergency exists that this law should be in force from and after its passage.

SIDEWALKS IN CITIES, TOWNS AND VILLAGES.

An Act to Provide Additional Means for the Construction of Sidewalks in Cities, Towns and Villages.

[Approved April 15, 1875. In force July 1, 1875.]

SECTION 1. Sidewalks by taxation.

- “ 2. What ordinance may provide.
- “ 3. In case owner neglects to construct.
- “ 4. Special tax—duty of clerk—report.
- “ 5. General officer to obtain judgment—by what law governed.
- “ 6. When constructed by owner may obtain order.

SECTION 1. SIDEWALKS BY TAXATION.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly;* That, in addition to the mode now authorized by law, any city or incorporated town or village may, by ordinance, provide for the construction of sidewalks therein, or along or upon any street or part of street therein, and may, by such ordinance, provide for the payment of the whole or any part of the cost thereof by special taxation of the lot, lots or parcels of land touching upon the line where any such sidewalk shall be ordered, and such special taxation may be either by a levy upon any lot of the whole, or any part of the cost of making any such sidewalk in front of such lot or parcel of land, or by levying the whole or any part of the cost upon each of the lots or parcels of land touching upon the line of such sidewalk, *pro rata* upon each of said lots or parcels, according to their respective values—the values to be determined by the last preceding assessment thereof for the purpose of state and county taxation; or the whole or any part of the cost thereof may be levied upon such lots or parcels of land in proportion to their frontage upon such sidewalks, or in proportion to their superficial area, as may be provided by ordinance ordering the laying down of such sidewalk; and in case such ordinance shall only require the payment of a part of the cost of such sidewalk to be paid by a special tax as aforesaid, then the residue of such cost shall be paid out of any fund of such city, town, or village, raised by general taxation upon the property thereof, and not otherwise appropriated.

§ 2. WHAT ORDINANCE MAY PROVIDE.] Said ordinance shall define the location of such proposed sidewalk with reasonable certainty, shall prescribe its width, the materials of which it shall be constructed, and the manner of its construction, and

may provide that the materials and construction shall be under the supervision of, and subject to, the approval of some officer or board of officers of such city, town and village, to be designated in said ordinance. Said ordinance shall be published as required by law for other ordinances of said city, town or village, and may require all owners of lots or parcels of land touching the line of said proposed sidewalk to construct a sidewalk in front of their respective lots or parcels in accordance with the specifications of said ordinance, within thirty days after such publication, and in default thereof, said materials to be furnished and sidewalk constructed by said city, town, or village, and the cost, or such part thereof as may be fixed in said ordinance, may be collected from the respective owners of said lots or parcels of land as hereinafter provided.

§ 3. IN CASE OWNER NEGLECTS TO CONSTRUCT.] In case of the default of any lot owner or owners to construct the sidewalks, as required by ordinance, and the same shall be constructed by the city, town, or village, the cost thereof, or such part of the cost thereof as may have been fixed by said ordinance, may be recovered of the owners so in default by an action of debt in the name of the city, town, or village, against such owners respectively, in any court of competent jurisdiction, or upon the completion of the work by such city, town, or village. Such ordinance may provide that a bill of the cost of such sidewalk, showing in separate items the cost of grading, materials, laying down, and supervision, shall be filed in the office of the clerk of such city, town, or village, certified to by the officer or board designated by said ordinance to take charge of the construction of said sidewalk, together with a list of the lots or parcels of land touching upon the line of said sidewalk, the names of the owners thereof, and the frontage, superficial area, or assessed value as aforesaid, according as said ordinance may provide for the levy of said costs by frontage, superficial area, or assessed value; whereupon said clerk shall proceed to prepare a special tax list against said lots or parcels, and the owners thereof, ascertaining by computation the amount of special tax to be charged against each of said lots or parcels and the owners thereof, on account of the construction of said sidewalk, according to the rule fixed for the levy, of such special tax by said ordinance, which special tax-list shall be filed in the office of said clerk; and said clerk shall thereupon issue warrants directed to such officer as may be designated in such ordinance, for the collection of the amount of special tax so ascertained and appear-

ing from said special tax-list to be due from the respective owners of the lots or parcels of land touching upon the line of said sidewalk; and such officer shall proceed to collect such warrants in the same manner as constables are authorized to collect executions, and make return thereof, together with the moneys collected, to the clerk of such city, town, or village, within sixty days from the date of their issue; and in case any such warrant shall be returned, as to the whole or any part thereof, "no property found," other warrants may issue, and proceedings by garnishment may be resorted to, as in cases of garnishment in aid of the collection of judgments at law, and all moneys so collected and paid over to said clerk shall be, by him, immediately paid over to the treasurer of said city, town, or village.

§ 4. SPECIAL TAX—DUTY OF CLERK—REPORT.] Upon failure to collect such special tax as heretofore provided in this act, it shall be the duty of said clerk, within such time as such ordinance may provide, to make report of all such special tax, in writing, to such general officer of the county as may be authorized by law to apply for judgment against, and sell lands for taxes due county or state, of all the lots or parcels of land upon which such special tax shall be so unpaid, with the names of the respective owners thereof, so far as the same are known to said clerk, and the amount due and unpaid upon each tract, together with a copy of the ordinance ordering the construction of said sidewalk, which report shall be accompanied by the oath of the clerk that the list is a correct return of the lots and parcels of land on which the special tax levied by authority of said city, town, or village, for the cost or partial cost (as the case may be) of the sidewalk in said ordinance specified, remains due and unpaid, and that the amounts therein stated as due and unpaid have not been collected, nor any part thereof. Said reports, when so made, shall be *prima facie* evidence that all the forms and requirements of the law in relation to making such return have been complied with, and that the special tax, as mentioned in said report, is due and unpaid.

§ 5. GENERAL OFFICER TO OBTAIN JUDGMENT—BY WHAT LAWS GOVERNED.] When said general officer shall receive the aforesaid report, he shall at once proceed to obtain judgment against said lots or parcels of land for said special tax remaining due and unpaid, in the same manner as may be provided by law for obtaining judgment against lands for taxes due and unpaid county and state, and shall in the same manner proceed to sell the same for the said special tax due and unpaid. In obtain-

ing said judgment and making said sale, the said officer shall be governed by the general revenue laws of the state, except when otherwise provided herein, and said general laws shall also be applicable to the execution or certificates of sale, and deeds thereon, and the force and effect of such sales and deeds; and all other laws in relation to the enforcement and collection of taxes, and redemption from tax sales, shall be applicable to proceedings to collect such special tax, except as herein otherwise provided.

§ 6. WHEN CONSTRUCTED BY OWNER MAY OBTAIN ORDER.] Whenever payment of the costs of any such sidewalk is required to be made in part by special tax, and in part out of any general fund of such city, town, or village, and the owner of any such lot or parcel of land shall construct such sidewalk in accordance with the ordinance providing for its construction, such owner shall file with the clerk of such city, town, or village, an itemized statement of the cost of such sidewalk so constructed, by him verified by affidavit, together with a certificate of the officer or board directed by such ordinance to superintend the construction thereof, that such sidewalk has been constructed and fully completed by such owner in accordance with such ordinance, and the council of such city, town, or village shall thereupon, at its first meeting thereafter, allow and order to be issued to such owner, an order on the treasurer of such city, town, or village, for the cost of the construction of such sidewalk, less the amount of special tax chargeable to the lot or parcel of land of such owner on the line of which such sidewalk has been so constructed.

WATER WORKS.

An Act authorizing Cities, Incorporated Towns and Villages to construct and maintain Water Works.

[Approved and in force April 15, 1873.]

SECTION 1. Power to supply water—letting contract.

- “ 2. Borrow money—tax.
- “ 3. May acquire property for works, etc.
- “ 4. Rules—tax—assessment—lien.
- “ 5. Special assessment.
- “ 6. Separate fund.
- “ 7. When act not apply.
- “ 8. Emergency.

SECTION 1. POWER TO SUPPLY WATER—LETTING CONTRACT.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That all cities, incorporated towns and vil-*

lages in this State be and are hereby authorized, and shall have power to provide for a supply of water for the purposes of fire protection, and for the use of the inhabitants of such cities, incorporated towns or villages, by the erection, construction [and] maintaining of a system of water works: *Provided*, that all contracts for the erection or construction of any such works, or any part thereof, shall be let to the lowest responsible bidder therefor, upon not less than three weeks' public notice of the terms and conditions upon which the contract is to be let having been given, by publication in a newspaper published in such city, town or village; or if no newspaper is published therein, then in some newspaper published in the county: *And, provided further*, that no member of the City Council or Board of Trustees, or Mayor, shall be directly or indirectly interested in any such contract; and in all cases the Council or Board of Trustees, as the case may be, shall have the right to reject any and all bids that may not be satisfactory to them.

§ 2. BORROW MONEY—TAX.] Such cities, incorporated towns and villages may borrow money and levy and collect a general tax in the same manner as other municipal taxes may be levied and collected, for the erection, construction and maintaining of such water works, and appropriate money for the same.

§ 3. MAY ACQUIRE PROPERTY FOR WORKS, ETC.] For the purpose of erecting, constructing, locating, maintaining or supplying such water works, any such city, incorporated town or village may go beyond its territorial limits, and may take, hold and acquire property and real estate, by purchase or otherwise; and shall also have the power to take, hold and acquire and condemn any and all necessary property and real estate for the location, erection, construction and maintaining of such water works, in the manner provided for the taking and condemning of private property for public use; and may also acquire and hold real estate and other property and rights necessary for the location, erection, construction and maintenance of such water works by purchase or otherwise; and the jurisdiction of such city, town or village to prevent or punish any pollution or injury to the stream or source of water for the supply of such water works, shall extend ten miles beyond its corporate limits.

§ 4. RULES — TAX — ASSESSMENT — LIEN.] The Common Council of such cities, or Trustees of such towns or villages, shall have power to make and enforce all needful rules and regulations in the erection, construction and management of such water works, and for the use of water supplied by the same.

And such cities, towns and villages shall have the right and power to tax, assess and collect from the inhabitants thereof such tax, rent or rates for the use or benefit of water used or supplied to them by such water works, as the Common Council or Board of Trustees, as the case may be, shall deem just and expedient. And all such water taxes, rates or rents shall be a lien upon the premises and real estate upon or for which the same is used or supplied. And such taxes, rents or rates shall be paid and collected, and such lien enforced, in such manner as the Common Council shall, by ordinance, direct and provide.

§ 5. SPECIAL ASSESSMENT.] The expense of locating, erecting and constructing reservoirs and hydrants for the purpose of fire protection, and the expense of constructing and laying water main pipes, or such part thereof as may be just and lawful, may be assessed upon and collected from the property and real estate specially benefited thereby, if any, in such manner as may be provided for the making of special assessments for other public improvements in such cities, towns or villages.

§ 6. SEPARATE FUND.] All the income received by such cities, towns or villages from such water works, from the payment and collection of water taxes, rents or rates, shall be kept in a separate fund, and shall first be applied in the payment and discharge of the costs, interest on bonds or money borrowed and used in the erection and construction of such water works and running expenses thereof. And any surplus may be applied in such manner as the Common Council or Board of Trustees may direct.

§ 7. WHEN ACT NOT APPLY.] The provisions of this act shall not apply to cities, towns or villages in which water works are now managed or controlled by a board of public works.

§ 8. EMERGENCY.] Whereas many of the cities embraced in this act are entirely without adequate protection from fires, and are without lawful authority to provide the necessary means of protection authorized by this act; therefore an emergency exists that this act should take effect immediately: therefore this act shall take effect and be in force from and after its passage.

An Act to provide for the laying of Water Supply Pipe by Bonds and Special Assessments, payable in installments.

[Approved and in force, March 17, 1874.]

SECTION 1. Bonds—assessments payable in installments.

- “ 2. When installments payable—Interest.
- “ 3. Applies to assessments already ordered.
- “ 4. Emergency.

SECTION 1. BONDS—ASSESSMENTS PAYABLE IN INSTALLMENTS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever the corporate authorities of any city, town or village shall provide, by ordinance, for the laying of water supply pipes, to be paid for by a special assessment to be made under the provisions of article nine of the act of the general assembly, entitled "An act to provide for the incorporation of cities and villages," approved April 10, A. D. 1872, such corporate authorities may, in their discretion, provide in such ordinance, or by an ordinance to be adopted at any time prior to the issuance of the warrant to the collector for the collection of such assessment, that the amount of the estimated cost of such improvement shall be provided for in the following manner, to-wit: That bonds of the city, town or village, as the case may be, shall be issued for such portion of the estimated cost of such improvement as shall be apportioned to the city, town or village as public benefit, payable at such time or times, within twenty years, as may be provided by said ordinance, or it may in such ordinance be provided that all or any portion of the amount, so apportioned as public benefits, may be made by general taxation in accordance with the provisions contained in said article nine, and that the portion of said estimated cost which shall be assessed upon property specially benefited, shall be payable in such annual installments, not exceeding ten in number, as may in such ordinance be prescribed: *Provided*, that nothing in this section shall authorize any city, town or village to issue such bonds to an amount, including all existing indebtedness, in excess of the charter, statutory or constitutional limitation of the indebtedness of such city, town or village.

§ 2. WHEN INSTALLMENTS PAYABLE—INTEREST.] Whenever such corporate authorities shall have provided by ordinance for the making of such improvement in the manner prescribed in section one of this act, the first installment of the amount assessed upon property specially benefited shall be payable immediately upon the issuance, by the clerk of such city, town

or village, of his warrant to the collector, and the subsequent installments shall be payable annually thereafter, with interest until paid, at such rate as shall be prescribed in such ordinance, not exceeding ten per cent. per annum.

§ 3. APPLIES TO ASSESSMENTS ALREADY ORDERED.] This act shall apply to assessments already ordered for the purpose set forth in section one of this act, and the ordinances in relation thereto, as well as to ordinances hereafter to be adopted.

§ 4. EMERGENCY.] Whereas certain cities, towns and villages are about to lay water supply pipe, and are desirous of availing themselves of the provisions of this act, therefore an emergency is declared to exist, and this act shall take effect and be in force from and after its passage.

An Act to enable Cities and Villages to contract for a supply of Water for Public Use, and to levy and collect a Tax to pay for Water so supplied.

[Approved April 9, 1872. In force July 1, 1872.]

SECTION 1. Power to contract for water.
" 2. Tax.

SECTION 1. POWER TO CONTRACT FOR WATER.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all cities and villages where water works may hereafter be constructed by an incorporated company, the city or village authorities in such cities and villages may contract with such incorporated company for a supply of water for public use, for a period not exceeding thirty years.

§ 2. TAX.] Any such city or village so contracting may levy and collect a tax on all taxable property within such city or village, to pay for the water so supplied.

WEIGHTS AND MEASURES.

An Act to revise the law in relation to Weights and Measures.

[Approved February 27, 1874. In force July 1, 1874.]

SECTION 1. Standards.

- " 2. To be kept by State Sealer.
- " 3. Heaped measure.
- " 4. Measure not heaped.
- " 5. The hundred weight-ton.
- " 6. Contracts must be according to standard.
- " 7. Weight per bushel.
- " 8. Penalty.
- " 9. State Sealer—his duties.
- " 10. County Seal—standards procured.
- " 11. Duty of County Sealer.
- " 12. Fees.
- " 13. Penalty for neglect of County Sealer.
- " 14. Penalty for using weights, etc., that do not conform.

SECTION 1. STANDARD.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the weights and measures received from the United States, and now in charge of the Secretary of State, to-wit: One yard measure, one half bushel, one wine gallon, one wine quart, one wine pint, one wine half pint, one set of avoirdupois weights, consisting of fifty, twenty-five, twenty, ten, five, four, three, two and one pounds, and from eight ounces down to one drachm; one set of troy weights, from five thousand pennyweights down to half a grain, and from one pound down to the ten-thousandth part of an ounce, together with the three sets of balances, when received from the United States, shall be and remain, and be used as the sole authorized public standard of weights and measures.* [R. S. 1845, p. 532, § 1.

§ 2. To BE KEPT BY STATE SEALER.] Such weights, measures and balances as may be procured, from time to time, to replace those before mentioned, shall be preserved in the same form, and of the same dimensions, the denominations of the weights and measures being marked thereon, respectively; and they shall be sealed with the seal which is kept for that purpose by the State Sealer.

§ 3. HEAPED MEASURE.] All commodities sold by heaped measure, shall be duly heaped up in the form of a cone, the outside of the measure by which the same shall be measured to be the limit of the base of such cone, and such cone to be as high as the article to be measured will admit. [R. S. 1845, p. 532, § 2.

§ 4. MEASURES NOT HEAPED.] The measures used for measuring dry commodities, not heaped, shall be stricken with a straight stick or roller, and of the same diameter from end to end. [R. S. 1845, p. 532, § 3.]

§ 5. HUNDRED-WEIGHT—TON.] The hundred-weight shall consist of one hundred pounds, and twenty such hundred-weights shall constitute a ton. [R. S. 1845, p. 532, § 5.]

§ 6. CONTRACTS MUST BE ACCORDING TO STANDARD.] Contracts hereafter to be executed, made within this State, for any work to be done, or for anything to be sold, delivered, done, or agreed for, by weight or measure, shall be taken and construed to be made according to the standard weight and measure thus ascertained. [R. S. 1845, p. 532, § 4.]

§ 7. WEIGHT PER BUSHEL.] Whenever any of the following articles shall be contracted for, or sold or delivered, and no special contract or agreement shall be made to the contrary, the weight per bushel shall be as follows, to-wit:

	Pounds.		Pounds.
Stone-coal.....	80	Buckwheat.....	52
Unslack'd lime.....	80	Coarse salt.....	50
Corn in the ear.....	70	Barley.....	48
Wheat.....	60	Corn meal.....	48
Irish potatoes.....	60	Castor beans.....	46
White beans.....	60	Timothy seed.....	45
Clover seed.....	60	Hemp seed.....	44
Onions.....	57	Malt.....	38
Shelled corn.....	56	Dried peaches.....	33
Rye.....	56	Oats.....	32
Flax seed.....	56	Dried apples.....	24
Sweet potatoes.....	55	Bran.....	20
Turnips.....	55	Blue grass seed.....	14
Fine salt.....	55	Hair (plastering).....	8

[L. 1855, p. 176, § 1.]

§ 8. PENALTY.] Whoever, in buying any of the articles of property mentioned in the preceding section, shall take any greater number of pounds thereof to the bushel, or, in selling any of said articles, shall give any less number of pounds thereof to the bushel than is allowed by said section, with an intent to gain an advantage thereby, except where expressly authorized so to do by special contract or agreement to that effect, shall be liable to the party injured in double the amount of the property so wrongfully taken or not given, and \$10 in

addition thereto, to be recovered in any form of action, in any court of competent jurisdiction.

§ 9. **STATE SEALER—HIS DUTIES.]** The Secretary of State shall be, *ex-officio*, State Sealer of weights and measures, and shall have the care and custody of the authorized public standards of weights and measures. He shall try and prove, by such standards, all weights and measures, scales and beams which may belong to any county, and be sent or brought to him for that purpose by the County Sealer, and shall seal such, when found to be accurate, by stamping on them the letter "I," with a seal which he shall have and keep for that purpose. [R. S. 1845, p. 533, § 9, 14.

§ 10. **COUNTY SEALER—STANDARDS PROCURED.]** The County Clerk of each county shall be the sealer of weights and measures for the county, and shall have the care and custody of the county standards. He shall procure, at the expense of the county, when authorized by the County Board, and not already provided, a full set of weights and measures, scales and beams, which he shall cause to be tried, proved and sealed by the State standards, under the direction of the Secretary of State. [R. S. 1845, p. 532, § 8; p. 533, § 14.

§ 11. **DUTY OF COUNTY SEALER.]** The several county sealers shall try and prove all weights and measures, scales and beams, when requested so to do; and when the same are found or made to conform to the legal standards, they shall seal and mark such weights and measures, with a seal to be kept by them for that purpose. [R. S. 1845, p. 533, § 10.

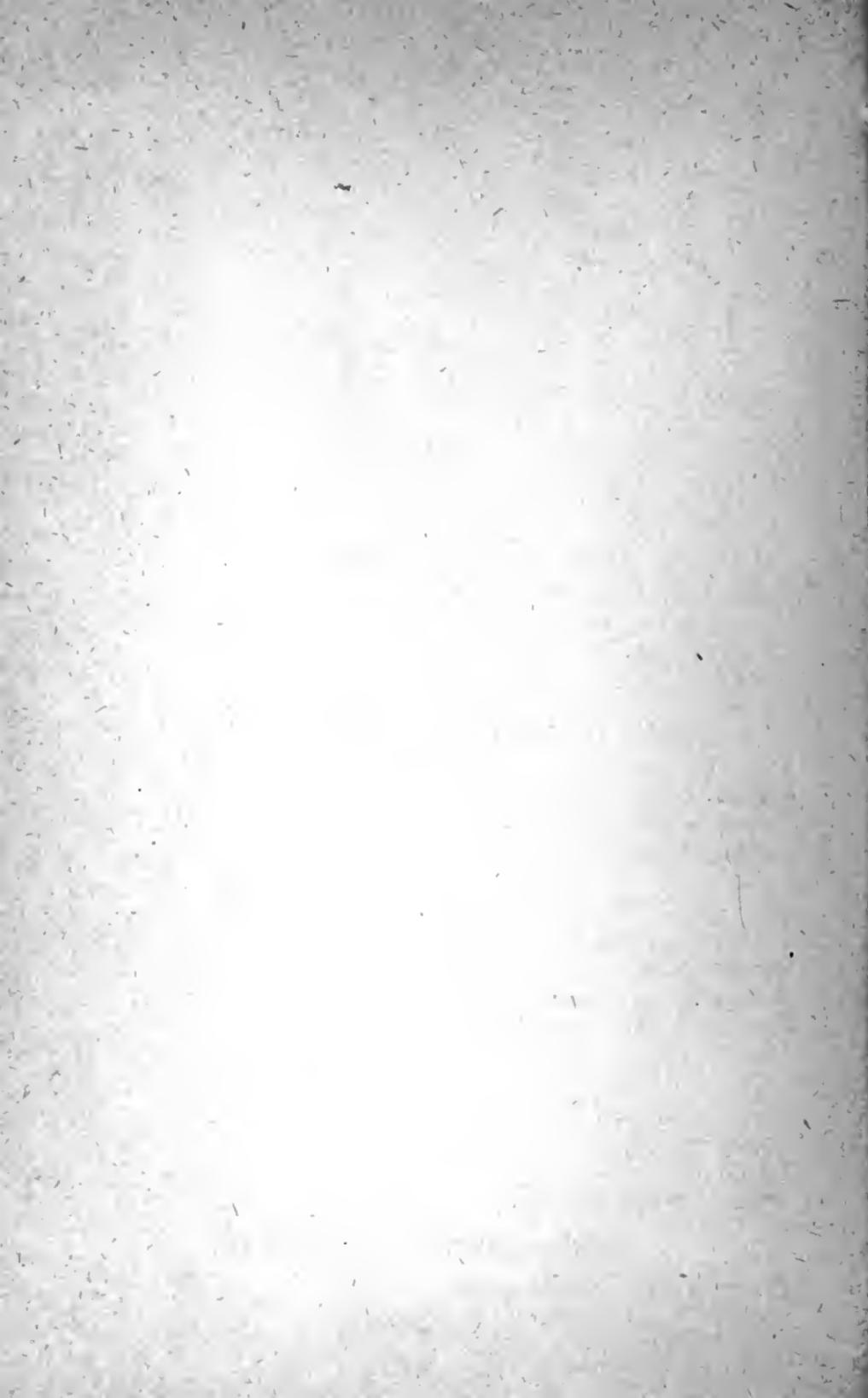
§ 12. **FEES.]** The secretary of state and each county sealer shall be entitled to receive for his services, at and after the following rates: For sealing and marking every beam, ten cents; for sealing and marking measures of extension, at the rate of ten cents per yard, not to exceed fifty cents for any one measure; for sealing and marking every weight, two cents; for sealing and marking liquid and dry measures, if the same be of the capacity of a gallon or more, ten cents, or less than a gallon five cents. They shall also be entitled to a reasonable compensation for making such weights and measures conform to the standard established by this act. [R. S. 1845, p. 533, § 12.

§ 13. **PENALTY FOR NEGLECT OF COUNTY SEALER.]** Every county clerk who neglects to have the standards under his charge compared and sealed as required by this act, or neglects to keep the same in good order and repair, or who suffers any of them, through his neglect, to be lost, damaged or destroyed, shall forfeit to the county not less than \$50 nor more

than \$200, to be recovered before any justice of the peace of the county. [R. S. 1845, p. 533, § 11.

§ 14. PENALTY FOR USING WEIGHTS, ETC., THAT DO NOT CONFORM.] Whoever sells by any other weights, measures, scales, beams or balances than such as conform to such standards, shall forfeit a sum not exceeding \$20 for each offense, and when by the custom of trade they are provided by the buyer, if he purchases by any other weights, measures, scales, beams or balances, he shall be subject to a like penalty, to be recovered before a justice of the peace in the name and for the use of the person complaining.

APPENDIX.



THE CITY GOVERNMENT, FROM ITS INCORPORATION IN 1850, TO THE YEAR 1876.

1850—DAVID I. PERRY, *Mayor.*

FIRST WARD—Jay N. Ward.

SECOND WARD—Bailey H. Coffey.

THIRD WARD—Wm. Gillespie.

FOURTH WARD—E. Thomas.

1851—CHARLES P. MERRIMAN, *Mayor.*

FIRST WARD—Joshua H. Harlan.

SECOND WARD—Bailey H. Coffey.

THIRD WARD—Wm. Gillespie.

FOURTH WARD—E. Thomas.

1852—JOHN H. WICKIZER, *Mayor.*

FIRST WARD—Joshua H. Harlan.

SECOND WARD—William Wallace.

THIRD WARD—Bailey H. Coffey.

FOURTH WARD—Thomas F. Worrell.

1853—WILLIAM WALLACE, *Mayor.*

FIRST WARD—Goodman Ferre.

SECOND WARD—Samuel Doughty.

THIRD WARD—William Gillespie.

FOURTH WARD—Thomas F. Worrell.

1854—JOHN W. EWING, *Mayor.*

FIRST WARD—Goodman Ferre.

SECOND WARD—Samuel Doughty.

THIRD WARD—Daniel J. Combs.
FOURTH WARD—John L. Routt.

1855—FRANKLIN PRICE, *Mayor.*

FIRST WARD—Henry S. Herr.
SECOND WARD—Oliver Ellsworth.
THIRD WARD—George Hinshaw.
FOURTH WARD—John L. Routt.

1856—FRANKLIN PRICE, *Mayor.*

FIRST WARD—Milo Chatfield,
SECOND WARD—Oliver Ellsworth.
THIRD WARD—Mark Ross.
FOURTH WARD—J. T. Stevenson.

1857—AMASA J. MERRIMAN, *Mayor.*

FIRST WARD—Milo Chatfield.
SECOND WARD—Alex B. Shaffer.
THIRD WARD—Mark Ross.
FOURTH WARD—W. C. Watkins.

1858—A. J. MERRIMAN, *Mayor.*

FIRST WARD—Milo Chatfield.
SECOND WARD—Alex. B. Shaffer.
THIRD WARD—E. H. Rood.
FOURTH WARD—D. F. Stinson.

1859—JOHN M. STILWILL, *Mayor.*

FIRST WARD—Goodman Ferre.
SECOND WARD—George W. Parke.
THIRD WARD—E. H. Rood.
FOURTH WARD—D. F. Stinson.

1860—H. S. HERR, *Mayor.*

FIRST WARD—Goodman Ferre.
SECOND WARD—George W. Parke.
THIRD WARD—J. N. Larrimore.
FOURTH WARD—Joel Depew.

1861—GEORGE PARKE, *Mayor.*

FIRST WARD—D. D. Haggard.
SECOND WARD—Robert Parke.

THIRD WARD—J. N. Larrimore.
 FOURTH WARD—Joel Depew.

1862—GEORGE PARKE, *Mayor.*

FIRST WARD—D. D. Haggard.
 SECOND WARD—Robert Parke.
 THIRD WARD—Wm. VanSchoick.
 FOURTH WARD—S. W. Dodd.

1863—A. J. MERRIMAN, *Mayor.*

FIRST WARD—William Paist.
 SECOND WARD—William S. Vreeland.
 THIRD WARD—William Van Schoick.
 FOURTH WARD—S. W. Dodd.
 FIFTH WARD—R. McDonald.

1864—JOEL DEPEW, *Mayor.*

FIRST WARD—William Paist.
 SECOND WARD—W. S. Vreeland.
 THIRD WARD—William VanSchoick.
 FOURTH WARD—B. Holcomb.
 FIFTH WARD—M. McDonald.

1865—E. H. ROOD, *Mayor.*

FIRST WARD—J. Ellis.
 SECOND WARD—P. Whitmer.
 THIRD WARD—William VanSchoick.
 FOURTH WARD—B. Holcomb.
 FIFTH WARD—William Condon.

1866—E. H. ROOD, *Mayor.*

FIRST WARD—J. Ellis.
 SECOND WARD—P. Whitmer.
 THIRD WARD—A. B. Gillett.
 FOURTH WARD—B. Holcomb.
 FIFTH WARD—William Condon.

1867—E. H. ROOD, *Mayor.*

FIRST WARD—Luman Burr, J. Ellis.
 SECOND WARD—F. A. Packard, W. C. Johnson.
 THIRD WARD—S. W. Waddle, A. B. Gillett.
 FOURTH WARD—Peter Rockwell, B. Holcomb.
 FIFTH WARD—S. S. Parke, M. McGrath.

1868—J. M. STILWILL, *Mayor.*

FIRST WARD—D. D. Haggard, L. Burr.
 SECOND WARD—T. J. Bunn, F. A. Packard.
 THIRD WARD—H. M. Riggs, S. W. Waddle.
 FOURTH WARD—D. O. Moore, P. Rockwell.
 FIFTH WARD—John H. Regan, S. S. Parke.

1869—J. M. STILWILL, *Mayor.*

FIRST WARD—John Geltmacher, D. D. Haggard.
 SECOND WARD—John Weichlin, T. J. Bunn.
 THIRD WARD—E. F. Edwards, H. M. Riggs.
 FOURTH WARD—Peter Rockwell, D. O. Moore.
 FIFTH WARD—Michael Mahoney, J. H. Regan.

1870—T. J. BUNN, *Mayor.*

FIRST WARD—E. B. Steere, John Geltmacher.
 SECOND WARD—Michael Martin, John Weichlin.
 THIRD WARD—J. P. Butler, E. F. Edwards.
 FOURTH WARD—William Wilson, Peter Rockwell.
 FIFTH WARD—James O'Donovan, Michael Mahoney.
 SIXTH WARD—H. G. Reeves, David Kern.

1871—B. F. FUNK, *Mayor.*

FIRST WARD—T. F. Harwood, E. B. Steere.
 SECOND WARD—Peter Folsom, M. Martin.
 THIRD WARD—E. F. Edwards, J. P. Butler.
 FOUTH WARD—George Bruner, William Wilson.
 FIFTH WARD—Henry Geymer, James O'Donovan.
 SIXTH WARD—David Kern, H. G. Reeves.

1872—B. F. FUNK, *Mayor.*

FIRST WARD—T. F. Harwood, E. B. Steere.
 SECOND WARD—Peter Folsom, William Spurgin.
 THIRD WARD—E. F. Edwards, J. P. Butler.
 FOURTH WARD—George Bruner, S. Sampson.
 FIFTH WARD—Henry Geymer, William H. Bell.
 SIXTH WARD—David Kern, Robert Thompson.

1873—B. F. FUNK, *Mayor.*

FIRST WARD—E. B. Steere, John E. Thomas.
 SECOND WARD—William Spurgin, John W. Trotter.
 THIRD WARD—J. P. Butler, E. F. Edwards.

FOURTH WARD—S. Sampson, B. L. Lucas.

FIFTH WARD—W. H. Bell, John Maher.

SIXTH WARD—Robert Thompson, John Reed.

1874—B. F. FUNK, *Mayor.*

FIRST WARD—John E. Thomas, David D. Haggard.

SECOND WARD—John W. Trotter, William Spurgin.

THIRD WARD—E. F. Edwards, John S. Scibird.

FOURTH WARD—B. L. Lucas, Peter Rockwell.

FIFTH WARD—John Maher, John Weichlein.

SIXTH WARD—John Reed, Robert Thompson.

1875—B. F. FUNK, *Mayor.*

FIRST WARD—David D. Haggard, H. S. McCurdy.

SECOND WARD—Wm. Spurgin, John W. Trotter, M. Hausen.

THIRD WARD—John S. Scibird, A. F. Risser.

FOURTH WARD—Peter Rockwell, B. L. Lucas.

FIFTH WARD—John Weichlein, John H. Regan.

SIXTH WARD—Robert Thompson, John Reed.

1876—E. B. STEERE, *Mayor.*

FIRST WARD—H. S. McCurdy, F. M. Andrus.

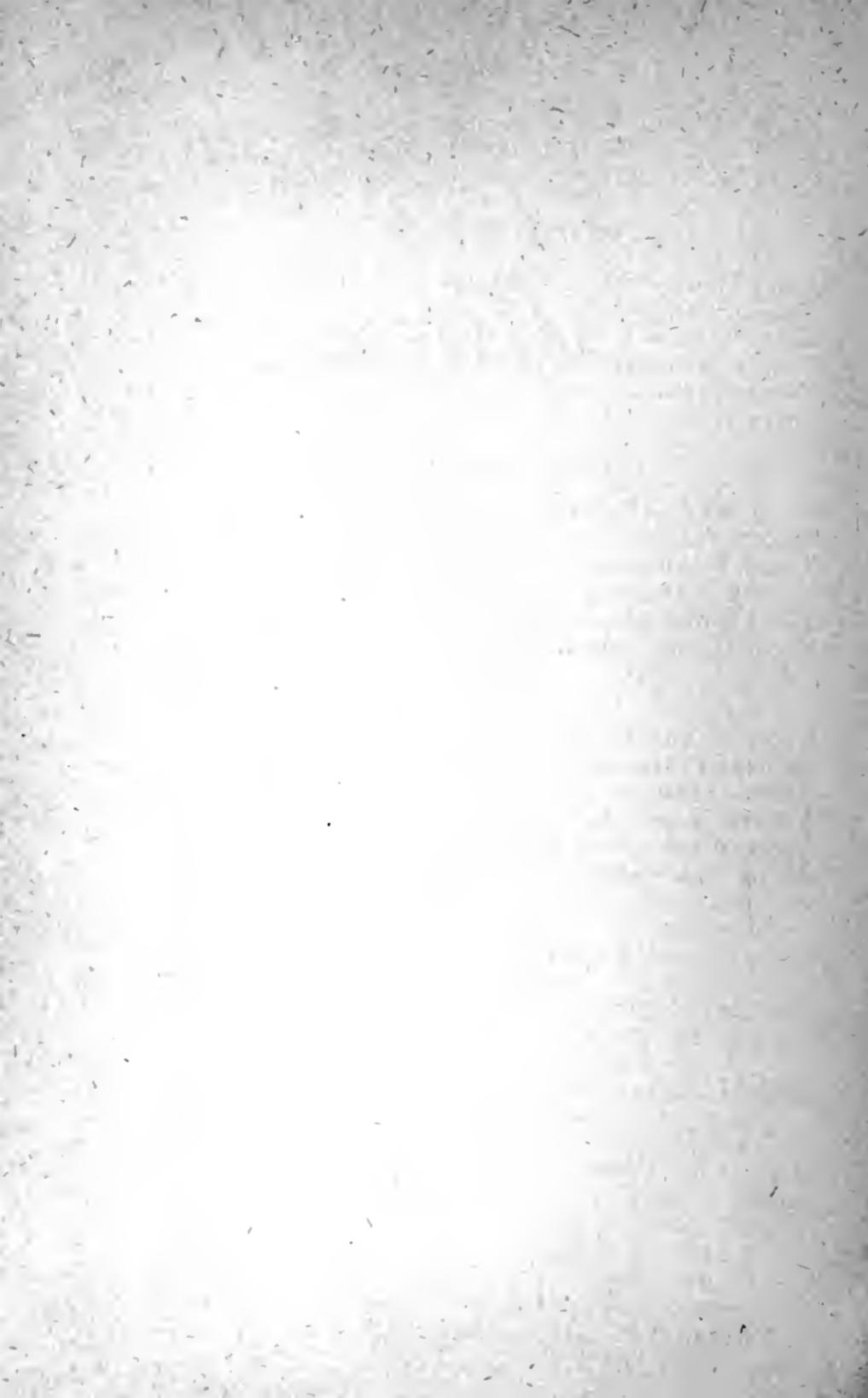
SECOND WARD—John W. Trotter, Wm. Condon.

THIRD WARD—A. F. Risser, Enoch J. Moore.

FOURTH WARD—B. L. Lucas, Wm. Maddox.

FIFTH WARD—John H. Regan, John Weichlein.

SIXTH WARD—John Reed, Franklin White.



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